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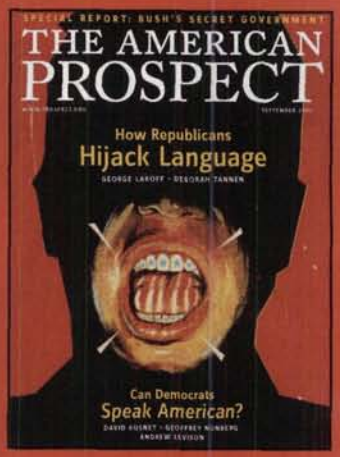

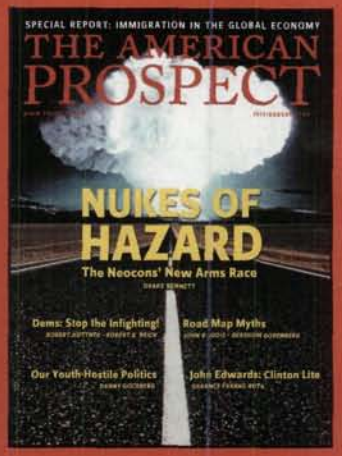
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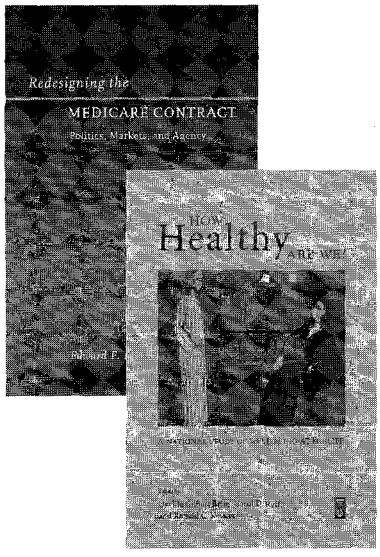

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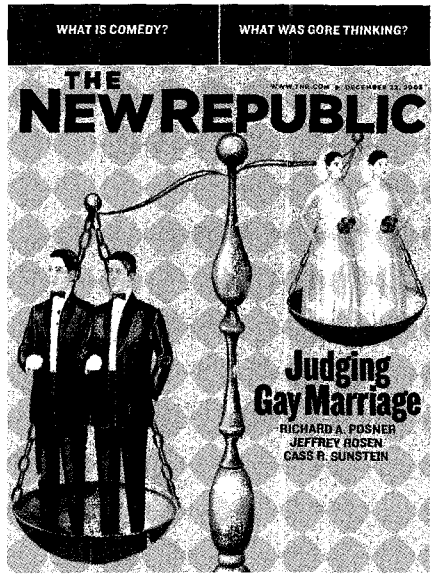
CORRESPONDENCE

WEDLOCKED

I APPRECIATE RICHARD A. POSNER'S respectful review of my book, *Same-Sex Marriage and the Constitution* ("Wedding Bell Blues," December 22). Nonetheless, I believe he misses the mark in several ways. Marriage is one of life's most important relationships, and social science has amply documented its positive effects on people's health, happiness, and longevity. Posner says this is irrelevant to the debate over same-sex marriage because "all of the studies are of heterosexual marriage." Of course they are—because gays and lesbians are forbidden to marry. This is all too typical of the double-binds often imposed upon gays and lesbians: First they are told they may not marry, and then they are told there is no evidence that marriage is beneficial for them.



Posner also says I overestimate the number of children living with same-sex parents, but he is missing the forest for the trees. There is no dispute that many, many children live in such families or that one of the main effects of the same-sex marriage ban is to deprive these children of the important protections a family gains when the parents are married. The irrationality of punishing the children for the perceived sins of the parents was a central concern of the Massachusetts Supreme Court in striking down the heterosexual monopoly on marriage.

Posner also avers that my argument that marriage is a fundamental constitutional right proves too much; he asks whether I may marry my "beloved dachshund" or a mature twelve-year-old. But dogs and children cannot consent to any contract, so obviously they cannot consent to a marriage contract. The harder examples are polygamy and incest. Opponents of same-sex marriage often analogize such unions to polygamous and incestuous marriages, just as its supporters analogize the ban on same-sex marriage to the ban on interracial marriage. These analogies are at the heart of the question, and the Supreme Court has spelled out principles that may be used to help decide whether same-sex marriage is the type of union that the Constitution protects. Laying out these principles is a major purpose of my book. Posner and I come to different conclusions here, which is fair enough.

But it is surprising that a federal judge would dismiss the whole project of legal reasoning as a mere fig leaf and argue that majority preference should be the guidepost on this question. James Madison surely was not thinking about same-sex marriage during the Constitutional Convention, but he was very much thinking about tyranny of the majority. Despite sky-high divorce rates, the heterosexual majority shows no stomach for limiting its own freedom to marry and divorce at will, even when children are involved. For this majority to cast itself as a defender of marriage by banning gays and lesbians from marrying cuts closer to Madison's concerns than Posner concedes.

EVAN GERSTMANN
Los Angeles, California

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RICHARD POSNER REPLIES:
Of course Professor Gerstmann is correct that, because homosexual marriage is forbidden, there is no evidence of the effect of such marriage on health. My point was only that experience with heterosexual marriage cannot automatically be extrapolated to homosexual marriage, as Gerstmann tries to do in his book.

I also agree that many children grow up in gay or (particularly) lesbian households; my objection was only to Gerstmann's greatly exaggerating that number.

Finally, I do not believe, and I don't think my review should be read to suggest, that legal reasoning is bosh and majority preference should decide constitutional questions. My argument rather was that the kind of legal reasoning deployed by Gerstmann, though entirely competent, does not have the cogency that would justify a court in overriding the enormous sentiment against homosexual marriage. The more tenuous the basis in constitutional text and precedent for overriding democratic preference—and the stronger that preference—the weaker the case for such overriding. We should let the states decide, one by one, what legal regime to create for homosexual couples who, quite understandably, want to have the rights of married persons.

POLL VAULT

In response to Jeffrey Rosen's article "Immodest Proposal," I must point out the results of a recent *Boston Globe* poll (December 22). Of those asked, 50 percent of Massachusetts residents supported gay marriage, and 38 percent were opposed. Regarding the *Goodridge* decision, 53 percent stated that they want the government to enact laws in conformity with the ruling. Only 23 percent would favor Rosen's "modest" separate-but-unequal system of civil unions, and a mere 16 percent favor defiance of the court.

For months, Rosen has been predicting backlash and urging those entrusted to protect and interpret the integrity of state and federal law to tread softly on gay rights, lest the sensibilities of social conservatives be injured. Rosen is stuck in 1996. The Massachusetts constitution and U.S. notions of justice, equality, and liberty fully justify *Goodridge*. Turns out, public opinion does, too.

DANIEL REDMAN
Allston, Massachusetts

JEFFREY ROSEN REPLIES:
The backlash to court-ordered gay marriage that I feared was national, not merely local, and that backlash, unfortunately, has indeed materialized. Galvanized by the *Goodridge* decision, the Ohio legislature voted just this week to pass one of the most sweeping bans on same-sex marriages in the country. Also citing *Goodridge* as a motivation, at least a dozen other state legislatures are expected to take up state constitutional amendments banning gay marriage. National polls confirm a similar backlash.

SINGLED OUT

Cass R. Sunstein argues that keeping gays and lesbians from the benefits of marriage makes them "second-class citizens" ("Federal Appeal," December 22). But, if the benefits of marriage are so crucial to full citizenship, then the very institution of civil marriage creates an even broader class of "second-class citizens"—namely, single people. Marriage discriminates against those unwilling or incapable of entering into long-term, monogamous relationships by denying them tax and other benefits available to those who are married.

The government need never have recognized civil marriage, as Sunstein acknowledges; it could have left the matter to religious and social groups. But, in choosing to attach benefits to certain relationships, the government steps squarely into the game of rewarding some behaviors and not others. Once the government starts this, social standards of morality are the only possible basis for deciding what kind of behavior to encourage.

EUGENE KONTOROVICH
Arlington, Virginia

CASS R. SUNSTEIN REPLIES:
Eugene Kontorovich trivializes the problem of discrimination. If we made a list of those who remain second-class citizens in the United States, it's ridiculous to believe that single people would qualify. "Single people" probably have a legitimate complaint or two, but they're hardly subject to the forms of unfair treatment and hatred that face gays and lesbians. ■

THE BOSTON UNIVERSITY GRADUATE CREATIVE WRITING PROGRAM

Our program, one of the oldest and most prestigious in the nation, is small (no more than a dozen students admitted in any genre, with all workshops limited to twelve members); very intensive (the master's degree is ordinarily awarded after the academic year of eight courses); and highly competitive (normally twenty-one students apply for each spot in fiction and poetry). We are best known for the quality of our graduate workshops. All of these are held in the same small room, which allows through its dusty windows a glimpse of the Charles River. Perhaps the most remarkable such workshop occurred when Sylvia Plath, Anne Sexton, and George Starbuck gathered for instruction by Robert Lowell—gathered, by the way, less often in that little room than at the Ritz Bar. These days, the poetry workshops are run by our regular faculty of Poet Laureate Robert Pinsky and Nobel Laureate Derek Walcott, who also conducts the playwriting workshops; and those in fiction are led by Leslie Epstein and Ha Jin and distinguished visiting writers. Of course our students have about them the resources of a great University. That means they often take courses with a superb faculty in literature that includes, besides the poets Geoffrey Hill and Rosanna Warren, the scholar Christopher Ricks and Boston University's other Nobel Prize winner, Elie Wiesel. It is difficult to know how best to measure a student's success, or the worth of a program to a writer; we can say that our graduates in each genre have accomplished a good deal. Among numerous awards, our playwrights can list The Heideman Award, The Charles MacArthur Award for Best New Play, and six national playwriting awards from the American College Theater Festival. Quite recently our graduates in poetry have won the $30,000 Whiting Award, the Barnard New Women Poets Series, a grant from the NEA, and the Norma Farber First Book Award from the Poetry Society of America; there have been three winners in three years of the Discovery/*The Nation* Award, and two winners of the National Poetry Series. In fiction, our students have also won the Whiting Award, along with an inordinate share of the nationwide Henfield Awards. A few years ago our writers swept every major literary award in the country, with Ha Jin winning the National Book Award and the PEN/Faulkner, and Jhumpa Lahiri the PEN/Hemingway and the Pulitzer Prize. Not a year goes by without a graduate of our program bringing out a book with a major publisher, and some, like Sue Miller and Arthur Golden, spend a good deal of time on best-seller lists. Over the last decade we have placed more than a score of our graduates in tenure-track positions at major American universities. We make, of course, no such assurances. Our only promise to those who join us is of a fair amount of time in that river-view room, time shared with other writers in a common, most difficult pursuit: the perfection of one's craft. For more information about the program, visiting writers, and financial aid (our teaching fellows conduct undergraduate creative writing classes) write to Director, Creative Writing Program, Boston University, 236 Bay State Road, Boston, MA 02215 or visit our website at *www.bu.edu/writing/*.

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Raising Kean

TRB FROM WASHINGTON

WHEN YOUR SIDE HOLDS the White House, it's easy to conflate the president's interests with the country's. In the Bush era, conservative commentators have sometimes resisted that temptation—for instance, denouncing the president's steel tariffs. Sometimes they've succumbed—for example, downplaying the Bush administration's mishandling of postwar Iraq. And then there's the debate over the 9/11 Commission, where they utterly surrendered. And now look really silly.

The Commission, tasked by Congress with "making a full and complete accounting" of "the circumstances surrounding the [September 11] attacks," says Bush administration foot-dragging has left it unable to meet its May deadline. For weeks, it has been asking for more time. So have the families of the September 11 victims. Their rationale is simple: The American people should be given a full accounting of the bloodiest foreign attack on U.S. soil. For weeks, the White House and GOP congressional leaders resisted. Their rationale was also simple: Giving the American people a full accounting during an election campaign could hurt President Bush.

It was as naked as that. And yet conservative journalists took the president's side. Consider the *The Wall Street Journal*, which on January 30 published an editorial titled "THE 9/11 AMBUSH." The "membership and behavior of the current 9/11 commission," it began, "have always looked like a political crackup waiting to happen." What about the Commission's membership did the GOP-aligned *Journal* find so offensive? Five of the Commission's ten members, including its chairman, are Republicans—appointed by the president or the congressional GOP. Its staff director, Philip Zelikow, served on the Bush administration's transition team and co-authored a book with Condoleezza Rice. The *Journal* mentioned none of this. Instead, it implied the opposite. "Richard Ben-Veniste, one of the commission's highly partisan Democrats, is . . . claiming that the Bush administration hasn't been cooperative enough," said the editorial. "Commission Democrats," it went on, "were asserting that literally millions of pages hadn't been delivered to their desks with sufficient alacrity."

But it was Chairman Tom Kean, the former Republican governor appointed by President Bush, who last fall repeatedly warned the administration to stop withholding key documents and witnesses. In October, Commissioner and former Republican Senator Slade Gorton criticized the "indifference" of some Bush administration agencies, noting that "this lack of cooperation, if it extends anywhere else, is going to make it very difficult" to meet the May deadline. And, last week, Republican Commissioner and former Reagan Navy Secretary John Lehman said he "can't for the life of me understand why this administration is so negative on this commission." To buy the *Journal*'s logic, you not only had to believe the Commission's Democrats care more about hurting President Bush than they care about the truth; you had to believe it about the Commission's Republicans, too.

Unlike the *Journal*, *The New York Post* at least acknowledged that the 9/11 Commission includes Republicans. In a November 2 editorial, it leveled a different charge: That, because of Chairman Kean's "run-amok," "bizarre," "emperor"-like behavior, the Commission was a farce.

What did this madman do? On October 26, Kean vowed "to use every tool at our command to get hold of every document." The *Post* declared that "bizarre," because Kean had previously said the administration had handed over "massive amounts" of information. But Kean was talking about two different things. Many agencies did indeed hand over "massive amounts" of information, but Kean's October 26 comment referred to the White House, which was refusing the Commission access to the president's daily intelligence digest. Why was it "bizarre" for the chairman of a commission investigating September 11 to want to know what the president was told about Al Qaeda in the days and weeks before the attack?

On December 19, the *Post* denounced Kean for saying that "there were people, certainly, if I was doing the job, who would certainly not be in the position that they were in at that time, because they failed." Kean, it thundered, was prejudging the Commission's outcome by offering opinions before it completed its work. But the Commission is encouraged to offer opinions before it completes its work—that's why the legislation authorizing it specifically provides for interim reports and public hearings. One such hearing in January revealed that (contrary to Bush administration claims) immigration officers allowed several of the September 11 hijackers into the country with faulty visas. Did Kean really disqualify himself by suggesting that the people who failed should no longer be in their jobs?

Behind the *Journal*'s and *Post*'s preposterous arguments was simply this: They didn't want a report on September 11 to come out in the middle of an election. The *Post* fretted that an extension could "delay release of the Commission's final report until deep into the presidential campaign." The *Journal* suggested that, if the Commission couldn't finish its work by May, it should "close up shop" until "after the election."

In other words, the papers saw nothing wrong with the GOP holding its convention in New York in early September, in a blatant attempt to capitalize on the anniversary of September 11. They saw nothing wrong with President Bush making his interpretation of that awful day the centerpiece of his reelection bid. But they deemed it unacceptably political for a bipartisan commission to issue its report during the election campaign, so voters would have an independent analysis against which to judge the GOP's September 11 spin?

Until today, that's where the debate stood. But, as THE NEW REPUBLIC was going to press, the Bush administration unexpectedly reversed itself and agreed to support a two-month extension of the Commission's work. Which, in a comic twist, means the president now wants to put the truth about September 11 above his electoral fortunes, but the *Journal* and *Post* do not. That's the problem with choosing the White House's interests over the country's. Every now and then, even the White House will disagree.

PETER BEINART

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Kay Sera

DAVID KAY, THE former chief weapons-hunter in Iraq, last week told the Senate Armed Services Committee there were almost certainly no chemical or biological weapons in Iraq and that Saddam Hussein's nuclear program had been virtually nonexistent. Coming from a man who, before the war, stridently maintained that Iraq had weapons of mass destruction (WMD), Kay's testimony was strikingly honest. But Kay's further analysis was less impressive: "[I]f you read the total body of intelligence in the last twelve to fifteen years, . . . it would be hard to come to a conclusion other than Iraq was a gathering, serious threat . . . with regard to WMD." According to Kay, "We were all wrong" on Iraq.

With that one phrase, Kay shifted culpability for faulty claims on Iraqi WMD from the White House to the intelligence community. Only problem is, they *weren't* all wrong. Many in the intelligence community got it right, but their opinions were either ignored in the run-up to war, or they were pressured to change their minds. Yes, there was widespread suspicion that Iraq maintained chemical and biological weapons, but many observers (this magazine, unfortunately, not among them) had significant doubts that Iraq possessed an active nuclear program.

The October 2002 National Intelligence Estimate (NIE), ostensibly the consensus of all U.S. spy agencies, argued that, if Iraq acquired fissile material from abroad, it could have a nuke "within several months to a year." As proof of a robust atomic program, the NIE claimed that Iraq was attempting to import aluminum tubes for use in uranium-enrichment machinery and had "vigorously" tried to acquire uranium from Africa. But, far from being unanimous, these conclusions were disputed by the State Department's Bureau of Intelligence and Research and the Department of Energy. Their opinions, however, were relegated to footnotes in the classified version of the NIE, while the CIA's view dominated. And you didn't have to read a classified intelligence document to learn that not everyone believed the White House on Iraq's nukes. On March 7 of last year, International Atomic Energy Agency head Mohammed ElBaradei told the Security Council that, "after three months of intrusive inspections, we have to date found no evidence or plausible indication of the revival of a nuclear weapons program."

The mystery is not why the administration ignored the U.N. inspectors—its derision for them was well-known—nor why the views of two agencies were big-footed by the CIA. The question is how that CIA view came to exist in the first place. Kay claims the assessment of Iraq's WMD capabilities "did not change in the Bush administration." That's not true. An unclassified January 2002 CIA report covering proliferation in the first half of 2001 noted Iraq was only pursuing "low-level theoretical R&D" on nukes. By the fall of 2002, however, the CIA was supporting the NIE's contention of a full-fledged nuclear program. This pattern played out in the chemical and biological areas as well, where caveats that appeared in earlier CIA assessments were inexplicably dropped. For example, the January 2002 CIA report noted only that, in the 1990s, U.N. inspectors had been unable to account for all of Iraq's chemical munitions, but the October 2002 NIE went much further, professing "high confidence" that Iraq was concealing a large—perhaps 500-ton—stockpile of chemical weapons.

Why was the CIA consensus changed so quickly? This magazine, as well as *The Washington Post*, has reported that the White House and the Pentagon encouraged intelligence agencies to take a more hawkish view of Iraqi weapons than the evidence merited. Kay contends that the administration did no such thing: No CIA analysts, he says, ever complained to him. But why would they? Kay spent his time scouring Iraq for weapons, not investigating the CIA. Moreover, his mandate did not include Saddam's supposed connections to Al Qaeda—the area about which suspicion of cherry-picked intelligence is greatest.

Given the utter failure to anticipate the real state of Iraq's WMD, we support a review of the U.S. intelligence apparatus. But President Bush's announcement of a commission that will examine intelligence not only on Iraq but also on Libya, Iran, and North Korea seems like a whitewash in the making—guaranteed to focus all attention on Langley rather than on the White House. Indeed, given the administration's attempt last summer to blame the CIA for the 2003 State of the Union assertion that Iraq had tried to acquire uranium from Africa—when in fact responsibility for the yellowcake story rested near the Oval Office—we wonder whether President Bush really wants to get to the bottom of the Iraq intelligence story at all. ■

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NOTEBOOK

House Democrats Strike a Match . . . Terry McAuliffe Strikes a Nerve

FIRE AWAY

It seemed like a good idea at the time. After a spate of bitter investigations in the mid-'90s, House Democrats and Republicans forged a "truce," agreeing not to use flimsy ethics charges as political tools against their opponents. But the case of Nick Smith shows that truce may now be doing more harm than good. Shortly after GOP leaders narrowly passed their prescription-drug plan last fall, Smith, a Republican representative from Michigan, said that, with the fate of the bill uncertain in the wee morning hours of November 22, unnamed GOP leaders desperate for a couple more votes approached him with an explicit quid pro quo. Support our bill, they said, and we'll steer $100,000 to your son's campaign. (Smith is retiring, and his son, Brad, is running to succeed him.) Smith refused. The shocking allegation obviously merited a House Ethics Committee investigation, but, after Smith retreated—he unconvincingly said the promises of assistance had been vague—the committee's GOP chairman, Joel Hefley, suggested he would not take action. House GOP leaders like Tom DeLay and Dennis Hastert, who said there was "nothing of substance there," heartily agreed.

But, last week, the Democratic whip, Steny Hoyer, sent a letter to Hastert urging him to initiate an ethics investigation into Smith's allegation, and Democrats vowed to file a formal complaint if the speaker continued to brush off the charge. Republicans predictably decried Hoyer's move as a political stunt, with DeLay fuming that Democrats were trying "to burn down the House." But, the next day, the Ethics Committee made a curious announcement, telling *Roll Call* it had done some "informal fact-finding" inquiries into the Smith case in December. That either means the committee is actually taking Smith's allegation seriously, which should shame Republican leaders like Hastert and DeLay. Or it

Dennis Hastert

means that the committee took a cursory look at Smith's story but didn't take it seriously enough to open a formal inquiry—which would be twice as shameful for the party. If it's the latter, and an ethically warped GOP is trying to maintain its grip on power through abusive and even corrupt means, then maybe it's time to burn, baby, burn.

INVESTIGATIVE DISTORTING

We don't say this very often, but kudos to Terry McAuliffe. Last week, the Democratic National Committee (DNC) chair gave his imprimatur to a meme that, until then, had been little more than a gleam in Michael Moore's eye—namely, that in 1972 President Bush left his Texas Air National Guard post to campaign for an Alabama politico without the military's approval. "He didn't show up when he should have showed up," McAuliffe told George Stephanopoulos. The charge, of course, is nothing new, having first arisen in a series of *Boston Globe* pieces during the 2000 election, but it has never gotten much media traction. Republican operatives clearly want to keep it that way. Bush adviser Tucker Eskew leaped to the president's defense Tuesday, telling CNN's "American Morning" that the charge was absurd because "the Annenberg Center has recently completely overturned any of those crazy ideas"—a reference to a report released January 23 by a University of Pennsylvania public policy institute. But Bush supporters might want to think twice before citing that study, which is but a slight paper showing about the level of rigorous analysis you'd expect from a White House press release. For starters, it merely compares different media accounts, ignoring the fact that the *Globe*'s investigation drew on hundreds of records and numerous interviews with military officials, whereas other news stories counted the rebuttals of Bush's staff as heavily as military documents and testimony by his commanding officer. Indeed, the only original research the Annenberg folks seem to have done is an interview with, of all people, White House spokesman Dan Bartlett, who dodges the entire question by saying that "the bottom line is he met his minimum requirements for that year." Absurdly, the report presents this as proof that Bush never skipped town, even though Bartlett was talking about what Bush did in 1973, when what's in question is what he did in *1972*. But the report's biggest idiocy is its premise that, just because Bush did not technically desert or go AWOL, the criticisms of his military record are somehow irrelevant. But no one believes that Bush fled combat—he was never even *in* combat. Rather, critics charge—and, Bartlett notwithstanding, the evidence concurs—that Bush didn't fulfill his military obligations during a time of war. Needless to say, if the Annenberg study is the best dog the GOP can muster, then the DNC chair-

DAVID COWLES

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man has picked the right fight.

9/10 PRESIDENT WATCH, CONT'D

ACCORDING TO *THE WALL STREET JOURNAL*'s lead editorial on February 4, the ricin-laden envelope delivered to Senator Bill Frist's office this week justifies the Iraq war: "There's been a lot of talk lately that the failure to discover any stockpiles of [weapons of mass destruction] in Iraq proves that the terror threat isn't 'imminent' and that we can return to our pre-9/11 way of countering it. Is ricin's arrival in a Senate mailroom imminent enough?" We're not sure who exactly believes terrorism isn't an imminent threat, nor do we understand what role the *Journal* thinks Saddam Hussein played in germing the Senate. But we're most confused by the implication that President Bush's security priorities are emblematic of post–September 11 thinking. The *Journal*'s editors ought to read the president's new budget, which took a $779 million request from the U.S. Post Office for a new biohazard detection system—which, sniffing the air hundreds of times each hour, could detect a single granule of ricin—and cut it to $37 million. We're not sure Saddam's lack of weapons of mass destruction proves that there is an imminent terrorist threat to the United States, but we're quite certain the 2001 anthrax attacks did.

UPWARD MOBILITY

"YOU CAN FEEL THE MOMENTUM OF Senator Kerry, can't you?"—New Mexico Governor (and vice presidential hopeful?) Bill Richardson to John Kerry supporters, January 30

"General Clark has a great aura of electability. He's surging in New Mexico."—Richardson to Wesley Clark supporters January 31

"Senator, your momentum is incredible. And you can see it here in the heart of New Mexico."—Richardson to John Edwards at a campaign rally February 1

TNR.commentary

EASTERBLOGG

GREGG EASTERBROOK

CLEAR TRUTH: A new study from the National Academy of Sciences finds that, while air pollution is declining, the reduction could be accelerated by a "multi-state, multi-pollutant" approach that sets broad overall reduction targets, then allows industrial facilities to trade reduction permits with each other. This method would be a departure from current Clean Air Act rules, which generally require cumbersome site-by-site, pollutant-by-pollutant litigation. It would also be roughly the same as the approach the Bush administration has proposed in its Clear Skies initiative.

The Clear Skies plan has been roundly condemned by Democrats and mocked in the media—both *The New York Times* and *The Washington Post* have denounced the proposal on their front pages. But now comes the National Academy of Sciences to say the Clear Skies approach is desirable, and both papers give the story only a few measly paragraphs tucked well inside. The *Post* snigle doesn't even note the connection to President Bush's proposal, simply presenting the study as a disembodied research finding. Academy studies that have discomfited the White House—such as that on increasing fuel economy in SUVs and pickups—have gone directly to page one. But a major scientific study backing a controversial Bush position is quietly buried. Now, what's the word I am looking for?

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&c.

NOAM SCHEIBER

GULF WAR II: I've previously noted that John Kerry's 1991 Gulf war vote could be potentially devastating, since it makes him look like he takes whichever side of an issue happens to be most politically advantageous. Turns out, I was giving Kerry too much credit. Rather than take a side—albeit the most expedient one—Kerry actually stood on both sides of the Gulf war, much like he did this time around. Consider this "Notebook" item from THE NEW REPUBLIC's March 25, 1991, issue, which ran under the headline "SAME SENATOR, SAME CONSTITUENT":

> "Thank you for contacting me to express your opposition ... to the early use of military force by the U.S. against Iraq. I share your concerns. On January 11, I voted in favor of a resolution that would have insisted that economic sanctions be given more time to work and against a resolution giving the president the immediate authority to go to war."
>
> —letter from Senator Kerry to Wallace Carter of Newton Centre, MA, dated January 22, 1991
>
> "Thank you very much for contacting me to express your support for the actions of President Bush in response to the Iraqi invasion of Kuwait. From the outset of the invasion, I have strongly and unequivocally supported President Bush's response to the crisis and the policy goals he has established with our military deployment in the Persian Gulf."
>
> —Senator Kerry to Wallace Carter, January 31, 1991

IRAQ'D

SPENCER ACKERMAN

ELECTORAL APPEAL: An excellent article by David Rieff in the February 1 *New York Times Magazine* notes that the Bush administration seems to have trouble coping with more than one crisis in Iraq at a time. Rieff recalls something an American official told him shortly after the fall of Baghdad: "If we alienate the Shiites, we've lost the ballgame. The Kurds owe us, and we're the best deal they'll ever see. We can fight the Sunnis. But we can't fight the Shiites, not if they organize against us. There are too many of them." Let's hope this guy was either fired or has since reconsidered. Not about alienating the Shia—he's certainly right that we can't afford to do that. He's just dead wrong about the Kurds and the Sunnis. First, someone forgot to tell the Kurds that they "owe us." In December, American administrator L. Paul Bremer told the Kurdish parties on the Iraqi Governing Council to back away from their demands for a semi-autonomous, federalist enclave; they promptly told him where to go, arguing that *we* owe *them*, since they prosecuted the war along with us from the north. Second, we can't fight the Sunnis—not without more troops. Wrapping whole Sunni cities in concertina wire didn't prevent January from being the second-bloodiest month for our soldiers since the fall of Saddam Hussein. And, rather than press the attack, we're planning on reducing our security presence in Baghdad. But, instead of revamping our approach to the Kurds and Sunnis, the administration has decided to focus on placating the Grand Ayatollah Ali Al Sistani and accommodating his call for direct elections. That threatens to stoke the secessionist impulses of the Kurds, who oppose the imposition of religious rule, and the anxieties of the Sunnis, who fear repression by the Shia. We'd better learn that Iraq has more than one disgruntled constituency—and quick.

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Campaign Journal

Howard's End

BY RYAN LIZZA

BURLINGTON, VERMONT

"THIS IS THE future," says Nicco Mele, a bearded man with rimless glasses who is famous among Howard Dean fans as the campaign's webmaster. "We're going to have ten thousand listeners by the end of the week." It's the night before Dean will lose all seven February 3 states, and I'm sitting on an overturned recycling bin in a cramped office at Dean headquarters in Burlington. Until recently, this tiny, airless room was used by a field director to organize Dean voters. Still scrawled across a whiteboard on one wall is a message from Iowa or New Hampshire that recalls the bygone era when Joe Trippi was campaign manager and winning seemed not just possible but inevitable: "Trippi wants Kerry 4's"—a reference to undecided voters targeted by John Kerry.

Now, instead of being used to organize voters, the office has been turned into a makeshift radio studio. Last week, while drinking beers at a T.G.I. Friday's down the road, Mele and Zephyr Teachout, Dean's Internet organizer, decided the thing to do in the midst of the Dean implosion was to start a Web-based radio show. Mele and Teachout share a microphone at one brown folding table, while two engineers sit hunched over laptops at another. "Here we go, baby!" says Mele. An engineer begins counting down to the first official broadcast, "Fifteen seconds. Mics are going live!"

In the last week, the Dean campaign has undergone a radical transformation. First, Dean lost New Hampshire. Immediately afterward, he lost his campaign manager. He was forced to defer paychecks for five days and lay off some of the staffers who organized young voters—once a central mission of the campaign. I spent a couple of days at Dean headquarters to get a feel for how the campaign was dealing with this stunning turn of fortune.

Some aides complain privately about the way Trippi's removal was handled: Senior staffers didn't have any forewarning and weren't prepared to deal with the barrage of stories about new campaign "CEO" Roy Neel's lobbying career. There is still some bitterness toward Kate O'Connor, the longtime Dean aide whom Trippi partisans blame for his ouster. Other staffers blame the media for Dean's collapse. Aides still complain bitterly about the excessive replaying of the Iowa scream speech. They carp about the lack of scrutiny that Kerry is receiving from the press. One staffer even showed me a computer database of news coverage that can use algorithms to determine the impartiality of particular reporters. "I can do a bias check," he tells me, showing off the software.

But, despite the complaints, the mood in Burlington is more nostalgic than bitter. Sitting among scattered boxes of DEAN FOR AMERICA T-shirts, listening to Mele and Teachout field phone calls from Deaniacs, I can't help but think that the Web radio show, which would have seemed like another groundbreaking campaign tactic just a few weeks ago, now seems hopelessly out-of-touch, a sign that the campaign and its followers are becoming further and further isolated from what's actually happening in the election. Mele tells the audience excitedly, "Wednesday is our one-year anniversary of Meetup"—the website Dean organizers used to create a community of supporters across the country—"Tell us what it was like and how far we've come!" A freshman from the University of California at Berkeley calls in to say that he's "spreading the word" through a local Dean chapter on campus. "How is the club doing?" one of the hosts asks. "We're growing in numbers. We've got about twenty-five members so far," he replies proudly. A few minutes later, a man named Karl calls in. Karl remembers last year's Meetup with fondness. "It seems like only yesterday," he says, reminiscing. "Nobody knew what the heck they were doing."

All these high-tech innovations—from the Meetups to the Web radio show—were supposed to enable the campaign to bypass the mainstream media. Instead, it seems caught in an echo chamber populated by Dean partisans. Indeed, I meet Karl in person later the same evening: He works in Burlington for the Dean campaign.

Even if tending to the grassroots hasn't netted Dean much electoral support, though, it does pay the bills. Even now, as Dean loses state after state, his campaign is still raising as much as a quarter of a million dollars per day online. The Internet failed miserably as an organizing tool in Iowa, yet Dean still managed to raise more money after his distant third-place finish there than John Edwards did following his strong second.

THE NEXT DAY, I hang out at Dean headquarters as Tuesday night's election returns roll in. New boss Neel is appearing on "Hardball," and aides gather around a television to watch. Despite Trippi's cult following, Neel seems to have been welcomed with open arms by both Dean's staff and the Deaniacs who post on the campaign's blog. Both have been oddly pragmatic about the change. One senior Dean aide told me that Trippi's managerial skills were so lacking that they needed someone like Neel to implement his vision. The blog embraced Neel on his first day on the job, with some posters welcoming him aboard and requesting he give them their first set of "orders."

We watch as "Hardball" host Chris Matthews begins pummeling Neel with questions. "Is this an inside job you're pulling?" he asks. "Because you're a Washington insider, and you're running against Washington insiders. It seems like suicide, not a campaign." Neel stammers that he is "anything but a Washington insider," but Matthews inter-

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rupts him. "Where do you live?" he badgers. "Where do you work?" Neel shoots back, "I'm living in a motel in Burlington, Vermont." At Dean HQ, the staff cheers.

For the most part, though, the atmosphere on election night is oddly detached, as if everyone were watching a race in which they weren't actually participating. On a cell phone, an aide talks to a colleague about going to work for the Edwards campaign. Reminding me that the campaign predicted a poor showing, Teachout jokes, "We're beating expectations."

Dean didn't waste much time in the February 3 states, and the campaign couldn't afford to run TV ads in any of them. Under the radar, Dean was reduced to working talk radio and other free media opportunities to get publicity. One internal campaign memo outlined opportunities for Dean to get his message on the radio. In a section about North Dakota, the memo described how Dean should act on air. The governor, who often bashes right-wing radio hosts and loves a passionate debate, was advised to tone down his act. "The key to successfully using talk radio is to come across as likeable even in the face of an adversarial host," it said. "It does not pay for Governor Dean to engage in heated arguments with any of them. He should let them have their say." Echoing Dean's post-Iowa political repositioning, the memo advised, "When on talk radio Howard Dean should speak through his 'doctor' persona—not his political one." The reason for neutering the governor in this way is that, given his utter lack of paid media, he needs to be invited back on the show, "which—I can't point out enough—is the goal," the memo explains.

Neither the political nor doctor persona works on Tuesday. Back in his office, after the "Hardball" appearance, Neel and I watch the election returns. He is oddly calm about the foundering enterprise he now runs. When Karen Hicks, a senior Dean aide who now runs much of the campaign's day-to-day operation, walks in with a copy of Dean's speech, Neel asks her, "Did you want me to see it?" He doesn't bother reading it before she sends it off to Dean.

Despite the disastrous night, he says Dean is sticking to the plan. The campaign will start to do better this weekend in Michigan, Washington, and Maine, and then wait for the alleged showdown with Kerry in Wisconsin on February 17. But there are no promises of victory. Neel says they only have to "do well" in Washington and Maine, and he admits that Michigan is no longer very competitive. "Kerry has a huge lead there," he concedes. Even in Wisconsin, Neel argues, Dean doesn't have to win but only "finish a close second." The strategy seems even more far-fetched now that both John Edwards and Wesley Clark have been strengthened by their wins in South Carolina and Oklahoma, but it's all Dean has. "We're going to be written out of the picture tomorrow, but that's it," Neel says. "We'll be coming back, and we've got the tools and resources to come back."

Edwards appears on the television to give his South Carolina victory speech. Neel watches Edwards, his head slumped on his right hand. "He looks good," Neel drawls. "My ex-wife loves this guy here. ... He's very appealing. He's a really nice guy. He came that close to being on the ticket in 2000."

We walk out of his office and hover over the clot of desks where the Internet team is busy posting to the blog and checking the temperature of the Deaniacs who are commenting online about the night's bloodbath. Nobody seems dispirited. Neel talks to Teachout about his appearance on her radio show that night and jokes about how his posts are being received by the Deaniacs. He raises his hands in the air and yells, "I want to blog!" ■

John Edwards, pro.
Disciplinarian

BY JASON ZENGERLE

COLUMBIA, SOUTH CAROLINA

WHEN PEOPLE IMAGINE the typical John Edwards supporter, they probably imagine someone like Phil Phunn. As recently as January, Phunn was a Howard Dean man. But then one day last month Phunn wandered into an Edwards event in Iowa and heard the North Carolina senator deliver his now-famous stump speech. He was sold on the spot. "I just identified with him," Phunn recalls. "We're the same age, we've been through the same things, he just spoke to me in a way that Dean didn't—and that was before the scream." Phunn's conversion was sudden—and life-changing, to a degree. A salesman for a political-button company in Florida, Phunn had driven to Iowa to peddle Dean paraphernalia. But, after seeing Edwards, Phunn swapped inventory with the button salesman originally assigned to the North Carolina senator. For the rest of his time in Iowa, and then in New Hampshire and South Carolina, Phunn hawked Edwards buttons at campaign events.

On the day before the South Carolina primary, Phunn was trying to make a few sales at an Edwards rally here at Allen University, a historically black college on the edge of downtown. He wasn't having much luck. It was the fifth Edwards event Phunn had been to in the state, and he had just made his first sale. Phunn shook his head at the easel carrying rows of unsold buttons, some with Edwards in front of the White House, others with his face adorning Mount Rushmore. "I don't know why sales are so slow," he said. "There have been lots of students and other people on fixed incomes at the rallies, so maybe they just can't afford them." But, at $4 for one button and $10 for four, even Phunn seemed to recognize the improbability of his theory.

The more likely explanation for Phunn's sluggish sales is

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that his passion for Edwards actually makes him an atypical supporter. Edwards is running as an outsider—especially now that he's trying to cast himself as an alternative to front-runner John Kerry—and, from a distance, pundits have all but christened him the most compelling candidate in the race. "Is it just a matter of you getting around the country and having everyone hearing you that stands in your way now?" a clearly smitten Chris Matthews asked Edwards on "Hardball" Tuesday night. But, up close, Edwards's presidential bid doesn't feel like an outsider's campaign. Unlike other outsider candidates, like the freewheeling Howard Dean or the straight-talking John McCain, Edwards is a remarkably disciplined, on-message politician. And, unlike the Dean and McCain campaigns, both of which became crusades for their respective parties' souls, Edwards isn't articulating an ideological vision very different from those of the other Democratic candidates. Which is probably why the people in closest proximity to the Edwards campaign, from its supporters to its traveling press corps, tend not to be as passionate about the candidate as those who surrounded McCain in 2000 or Dean this election. But, as Edwards's victory here in South Carolina and his second-place finish in Oklahoma on Tuesday attest—and as the vanquished McCain and the tottering Dean can certainly confirm—sometimes passion is overrated.

IT'S PROBABLY INEVITABLE that any presidential campaign, experienced day after day, would begin to seem monotonous. But, as Edwards barnstormed across South Carolina this past week in an all-or-nothing bid to win that state's primary, his campaign, far from resembling a no-holds-barred crusade, felt more like a highly regimented slog. Each day, Edwards would do at least three events—logging more than 650 miles on his campaign bus as he traveled all over the state—and each event would be virtually identical.

Edwards would enter the social hall or restaurant or gymnasium to the strains of John Mellencamp's "Small Town," and, after making his way through an aisle of sign-toting supporters—whose locations had been carefully choreographed by his campaign's advance staff—the candidate would thrust his hands into the air, giving a double thumbs-up, and flash a broad smile. Then Edwards, his voice becoming progressively more hoarse as he fought a losing battle with bronchitis, would deliver a five- to ten-minute version of his rightfully celebrated stump speech. He'd tell the audience about the "two Americas"—"one America for all those families who have everything they want ... and then one for everybody else"—and explain to them that "you and I together are going to build one America that works for everybody." He'd mention his own humble origins—"My father worked in a mill all his life"—and declare that layoffs and plant closings "are not some academic issue for me." Then, toward the end of his speech, he would pledge, "If you give me a shot at George Bush, I'm gonna give you the White House!" With that, another Mellencamp song would blast over the P.A. system and Edwards would leave the rally, disappearing onto his bus and heading to the next event.

The crowds weren't that big—ranging from a few dozen at a restaurant in the small city of Florence to several hundred at a gym in Seneca, the mill town where Edwards was born—or even that boisterous; but they clapped and cheered at all the appropriate times, and many of them told the huge traveling pack of reporters afterward that they planned to vote for Edwards, if not necessarily for the reasons the candidate had just stressed. "It doesn't make a lot of difference to me that he's from the South," a retired steelworker named Sam Wragg said after a rally in Georgetown, at which Edwards had emphasized his Southern roots. "But hopefully it'll help him do well with other people here."

In the end, what seemed to make the difference for Edwards in South Carolina was effort. While every other candidate, save Al Sharpton, left the state on the Friday before the primary, Edwards—with the exception of a 24-hour whirlwind trip to Missouri, New Mexico, and Oklahoma—stayed in South Carolina through Election Day. And, perhaps more important, over the course of his campaign here, Edwards went to South Carolina's not so well-traveled parts. "Most candidates just run the corridor of Greenville-Columbia-Charleston," one Edwards staffer explained, "but he's visited all forty-six counties." As for why Kerry, in his one major rally in South Carolina during primary week, drew a much larger crowd than attended Edwards events, the same staffer quipped, "If our candidate came once every six months, he'd draw the whole state, too."

UP CLOSE, EDWARDS'S discipline as a candidate doesn't make for the most exciting campaign. Which is why, while big-name pundits often sound like besotted teenagers when they talk about Edwards, the reporters who travel with the candidate every day are more ambivalent about him. It's not exactly a hostile relationship, but that's because, as one reporter put it, "There's no relationship with him at all. He doesn't interact with us."

Save for the occasional media availability—usually a brief, unruly scrum held after a rally, during which Edwards would reply to almost every shouted question with a stock answer—the traveling press in South Carolina was kept at a distance from the candidate. While Edwards cruised around the state on his own bus—a luxury coach dubbed "The Real Solutions Express" by his campaign but jokingly referred to as "the other America" by some reporters—the traveling press trailed behind him in another bus. Occasionally, select reporters would be invited to ride along with Edwards on his bus and interview him between stops. But even one-on-one interviews with the candidate proved largely unsatisfying. "He's just so on-message," griped one reporter. Complained another, "He never has an off-the-cuff moment. He doesn't ad lib. He doesn't shoot from the hip."

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Of course, this is probably a large part of his recent success. Over the last few weeks, the more buttoned-down, professional campaigns of Edwards and Kerry have leapt to the front of the Democratic pack, while the less scripted but perhaps more dynamic campaigns of Howard Dean and Wesley Clark have slipped. And it has presumably not been lost on Edwards's staff that, in the 2000 Republican race, George W. Bush's tightly disciplined, press-averse campaign wound up beating John McCain's media lovefest.

ON ELECTION NIGHT, at a rally in a cavernous Columbia nightclub, Edwards enjoyed the largest, most enthusiastic crowd of his South Carolina campaign. When CNN declared him the winner of the state's primary shortly after 7:00 p.m., his supporters erupted in a prolonged cheer; and, when the candidate himself arrived at the club about 45 minutes later, the chants of "Edwards! Edwards! Edwards!" had a heartfelt timbre that had been missing from earlier events. Edwards made his way through the crowd to the stage as "Small Town" played, and, once on stage, he offered his familiar thumbs-up.

Standing in front of supporters and family, including his wife and his parents, Edwards began his remarks by exclaiming, "It's a long way from that little house in Seneca, South Carolina." The crowd erupted again. "And today," he continued, "we said clearly to the American people that, in our country, our America, everything is possible." Looking out past the audience and into the cameras that were carrying his speech live on all the cable networks, Edwards said, "And so tonight we stand at a crossroads. Will we have a president who actually understands the problems of working people? Will we have the courage to use new fresh ideas to solve old problems like poverty? Will we have the strength and conviction to make this vision of hope and optimism into a reality?" He paused. "If the American people give me a shot at George Bush in November, I will give them back the White House!"

Soon red, white, and blue balloons were dropping from the ceiling, Mellencamp was blaring over the P.A., and Edwards was making his way from the stage to do a round of satellite interviews with the cable networks. Most of the crowd stayed put, drinking beers and smoking cigars and shooting pool. But few seemed to be paying attention to the televisions around the nightclub that were delivering regular updates of Edwards's neck-and-neck race with Clark in Oklahoma. Just outside the club, Phil Phunn was still trying to sell his buttons. He bounced around excitedly as he recounted Edwards's remarkable rise—and how he'd witnessed it firsthand in the month he'd been following the candidate. "I've driven through twenty-two states in thirty-two days to be with him," he said. A few people passed by, and Phunn called after them, "One for four dollars! Four for ten!" They kept walking. Phunn looked at the easel on which he displayed his wares. There were a lot of buttons still there, but not quite as many as the day before. He smiled. "We did OK tonight," he said. "We did OK." ■

Basra Dispatch

Union Jacked

BY HASSAN FATTAH

ON A CROWDED street in a large Iraqi city, gunmen get out of an SUV and shoot a man in public. Nearby, muggers drag a driver out of his car and kidnap him. Across town, thugs demand protection money from businesses. Roadside bombs detonate with increasing frequency. The Iraqi police are either afraid or unwilling to tackle security problems, and the foreign troops in town are increasingly hunkering down, focusing more on their own safety than on enforcing order.

Sound like Baghdad? In fact, it's a normal day in Basra, Iraq's second-largest city, which has been under British control for the past ten months and supposedly was one of postwar Iraq's biggest success stories. The British government, as well as many members of the Western media, have touted Basra as an example of an occupation done right. But, in recent weeks, that image has begun to fade. British tactics are failing, and Basra's criminal mafias and warring political groups have asserted control over the city, leading to vigilante killings, rampant crime, and general insecurity. In fact, while the situation in Baghdad may be improving, in Basra it's only getting worse.

BRITAIN'S COLONIAL PAST supposedly equipped London to handle Basra well. Thanks to years of experience in India, pre–World War II Iraq, and, more recently, Northern Ireland, the British allegedly have developed an agile army, capable of shifting quickly from war-fighting to winning local hearts and minds. "What makes the British so much more effective is their ability to turn on a dime," says one Western security expert.

At first, the Brits did do well. In the early days of the war, as American troops plowed north to Baghdad, British forces quickly moved into this city of 1.2 million and began establishing order. British officers spent much of their time befriending local tribal and religious leaders. They walked Basra's streets in berets rather than imposing helmets, as American troops do. They attempted to avoid aggressive tactics, such as raiding the homes of suspected insurgents, preferring to provide locals with incentives to turn in troublemakers. Overall, the British occupying force adopted a more laissez-faire attitude that allowed Iraqis to take local control sooner than in U.S.-run areas. The Basra city council, responsible for everything from sewers to appointing judges,

Hassan Fattah is a frequent TNR *contributor based in Baghdad.*

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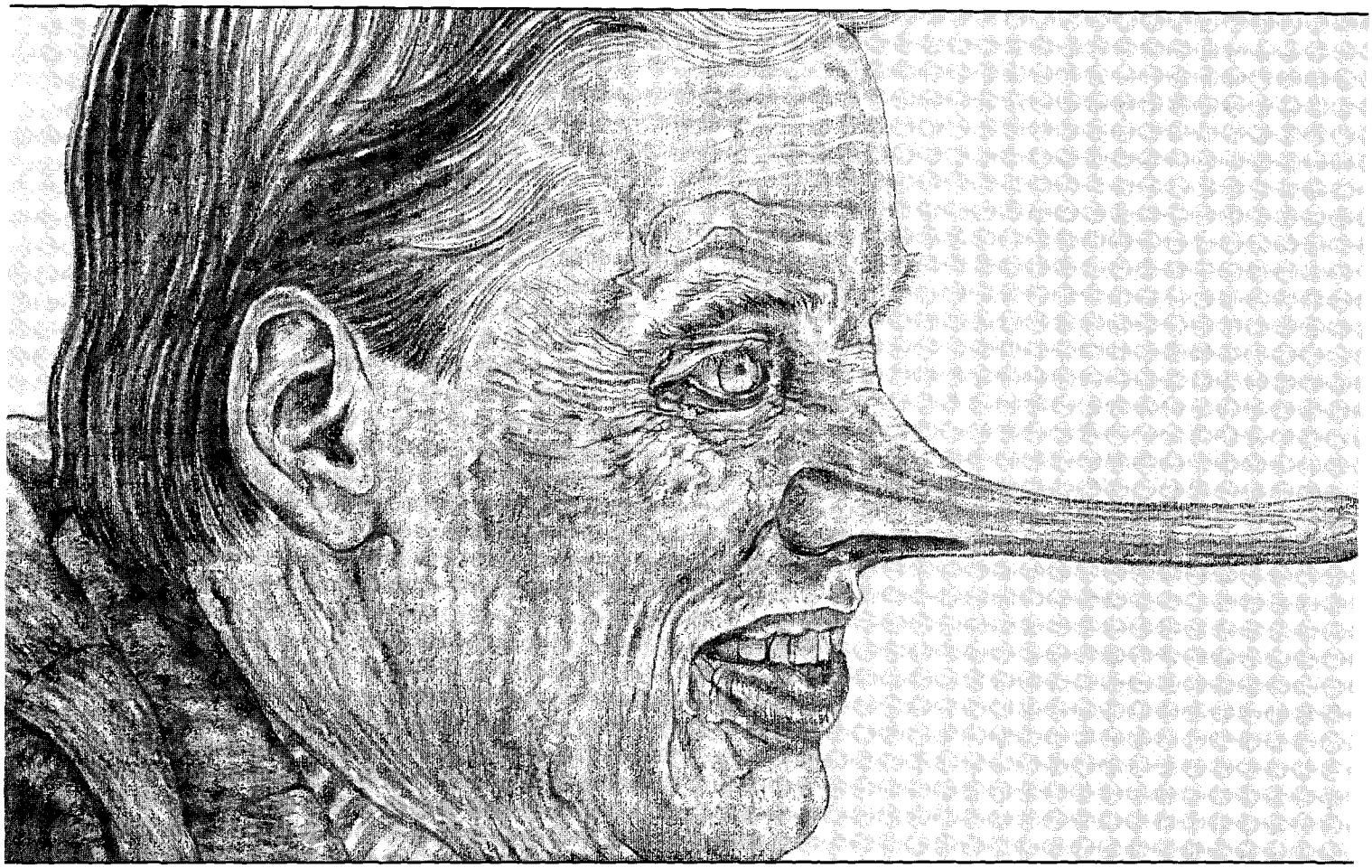
Bill Ford Jr. or Pinocchio?



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NR

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was allowed to operate relatively independently, while in Baghdad most local functions remained in the hands of the occupying authorities. Policing of Basra's suburbs, too, was quickly placed in the hands of tribal leaders.

These tactics seemed to bring a quick payoff. The British got the electricity grid working several months before the lights fully came on in Baghdad, and they created a temporary sense of stability. Indeed, for about four months, Basra was relatively placid, with few attacks on soldiers or violence in the streets. Because of this relative security, stores stayed open late at night and business was brisk, store managers say. And the foreign media lavishly praised the Basra occupation. "While the American effort further north is being hampered each day by guerrilla resistance, Britain's civilizing mission has found fertile terrain in the south," London's *The Sunday Times* claimed in December. Basra's image became so pristine, in fact, that, after an initial round of encomiums, the Western media paid less attention to the city, not sending foreign reporters down from Baghdad as often.

But, over time, the British approach has faltered. Though handing power completely to Iraqis made the Brits popular at first, political parties here used the hands-off attitude to consolidate, and even abuse, their power. The British "are looking away," complained one foreign diplomat. "They are making it clear that they will not get their hands dirty." And, since Washington and London have refused to budge from their June goal of transferring total sovereignty to Iraqis, criminals and local leaders may believe they only have to wait a few months before British forces clear out and give them full reign over the city. Meanwhile, the Iraqi security forces in Basra have been unable to handle serious problems. Locals say the Iraqi police in Basra are resistant to get tough with lawbreakers for fear of retribution from criminals' tribes.

Worst of all, the Brits have failed to adequately vet the Iraqis to whom they hand power. In late January, it was revealed that the Badr Brigade of the Shia Supreme Council for Islamic Revolution in Iraq, a leading political group, has been used as a secret police force in Basra with the permission and perhaps even oversight of the British authorities. The Brigade, which had a reputation for its harsh tactics in the past, allegedly has used its duty as secret police to engage in kidnapping and torture. Other corrupt local leaders have been allowed to take charge of critical local government functions and use them to steer business toward their friends and family. The British do nothing to stop this graft.

As a result, Basra has deteriorated. "Before I left [southern Iraq in December], I was telling my colleagues, 'You're in for real trouble,' " said one Western security expert. "Now it's happening." Indeed, even as Iraqi police in Baghdad have wrested back control of the capital's streets, Basra's security has continued to disintegrate, and locals say it is now as dangerous at night as in Baghdad. As their fear of British troops has diminished, criminal gangs have become bolder. Crime has surged, and a wave of smuggling by organized criminal networks has begun to hurt the local economy, raising prices on everything from gas to meat.

Meanwhile, parties with names like "God's Revenge," "God's Rules," and "Hezbollah" (no relation to the Lebanese group) have stockpiled weapons and now control much of the city. The Basra groups are larger and have many more men than the scattered Baathist insurgents in Baghdad. To get work in Basra today, locals say, you have to be connected with one of the groups. What's more, several of these Islamist militias, whose gunmen patrol the streets, have begun enforcing religious restrictions. Some liquor shops in town, most owned by Christian Iraqis, have been forced to close. The Islamic militias have shuttered music halls and movie theaters, and have commandeered many properties to serve as "Islamic meeting rooms" without compensating the previous owners. People who disobey the militias' requests have been shot.

The political militias have also begun battling for control of different neighborhoods. In November, some 30 men and women were shot at point-blank range. This killing spree shows no sign of letting up, and political assassinations now occur daily. "It's clear these killings are all planned," said Constable Mohammad Hassan Farhan of the Iraqi police in Basra. "There are so many parties, so many groups that could be doing it. And we simply don't know where to start." In fact, several Iraqi policemen admitted to me that the police simply look the other way, as they are not strong enough to take on the parties. The British are loath to step in, a fact they admit to. "This is a population of 1.2 million, so twelve or fifteen killings is not necessarily an epidemic," says Major Charles Mayo, spokesman for British forces.

Militias also are targeting former Baathists for revenge killings. In a raucous Basra council meeting in November, council member Amer Al Khuzai, a representative of the Islamist Dawa Party, succinctly summarized his group's stance: Baathists "will return [to jobs in Basra] over our dead bodies." In fact, in recent weeks, the bodies of many former Baathists have been found around town.

Unrest in Basra may grow worse in the coming months. Security experts here say the political militias are testing the waters in preparation for June, when the transfer of sovereignty will allow groups to consolidate their control over the city. Grand Ayatollah Ali Sistani's call for direct elections will only exacerbate this battle. Political groups would have even more incentive to control areas of town before a direct election, which would favor the Shia majority and allow Shia leaders with a strong power base to become major political players. An election "could well get much more dangerous in the Shia areas," says one former British diplomat. In Basra, "you have high gun ownership and a vendetta culture," and that makes the problems doubly difficult, admits Dominic D'Angelo, a spokesman for the Coalition Provisional Authority. "If you have people being branded as Baathists and facing revenge, where does it stop?" In fact, for Basra, the turmoil appears to only be starting. ■

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What *Lawrence* hasn't wrought.
Misjudged

BY JOSEPH LANDAU

LAST YEAR, CONSERVATIVES responded to *Lawrence* v. *Texas*—in which the Supreme Court struck down all 13 state anti-sodomy statutes and overruled *Bowers* v. *Hardwick*, the infamous 1986 case that denied "a fundamental right to engage in homosexual sodomy"—with dire warnings that the decision would open the floodgates to radical social changes, including the advent of gay marriage. The rationale for *Lawrence*, Justice Antonin Scalia warned in an acerbic dissent, calls into question every single state law banning "bigamy, same-sex marriage, adult incest, prostitution, masturbation, adultery, fornication, bestiality, and obscenity. ... What a massive disruption of the current social order, therefore, the overturning of *Bowers* entails." William Bennett, writing in *Commentary*, argued that a constitutional amendment to ban gay marriage was "more urgent in light of the prospect, now brought closer by *Lawrence* v. *Texas*, that the judiciary will next find a constitutional right to gay marriage." And, two weeks ago, President Bush railed against gay rights rulings in his State of the Union address, decrying "activist judges" who "have begun redefining marriage by court order, without regard for the will of the people and their elected representatives."

Actually, conservatives may have little to worry about. True, in a November ruling, the Massachusetts Supreme Judicial Court struck down the state's ban on gay marriage. But this ruling, while drawing on the arguments made in *Lawrence*, was grounded largely in the Massachusetts state constitution, not the U.S. Constitution. And, in October, an Arizona appellate court had already upheld that state's ban on gay marriage, flatly rejecting the plaintiff's argument that *Lawrence* implied the right "to enter a state-sanctioned, same-sex marriage."

And *Lawrence* has not only failed to move the nation substantially closer to gay marriage. Two rulings by state courts last week—one, a Kansas case that closely mirrors last June's sodomy law case; the other, a challenge to Florida's ban on gay and lesbian adoption—suggest that *Lawrence* hasn't even knocked down the barriers to basic legal equality that it was widely assumed to have demolished. In other words, *Lawrence* may turn out not to be quite the legal earthquake many anticipated.

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ON JANUARY 30, a Kansas appellate court reaffirmed a 2002 ruling in which it upheld a 17-year prison sentence for an 18-year-old boy who committed one act of consensual oral sex with another boy four years his junior. The case, *Limon* v. *Kansas*, involved that state's statutory rape law, which outlaws sex between adults and minors. Kansas, like most other states, carves out exceptions when the individuals involved are close to one another in age. (In Kansas, this exception is known as the "Romeo and Juliet" law.) The Kansas law, however, allows that exemption only for heterosexual acts; all homosexual acts, regardless of the ages of those involved, receive the same penalties. Thus, the fact that the two boys in *Limon* were both teenagers made no difference, and the defendant was sentenced to 17 years in prison for an act that, if committed by a heterosexual, would have carried a maximum penalty of one year and three months. Following *Lawrence*, the U.S. Supreme Court ordered the Kansas court to reconsider its 2002 decision. But, according to Dick Kurtenbach, executive director of the American Civil Liberties Union (ACLU) of Kansas and Western Missouri, "The Kansas court's opinion is written as if *Lawrence* v. *Texas* ... never even happened."

The Kansas court was able to ignore the clear intention of the *Lawrence* ruling because, whereas *Lawrence* was decided on privacy grounds, *Limon* involved equal protection. The ACLU, which brought the challenge, did not assert the due process privacy right at the core of *Lawrence*, as doing so would have required challenging the entire statutory rape law. Instead, it sought only to challenge the law's discriminatory application, arguing that the statute violated the boy's right to equal protection. But this rationale handed Kansas an easy, if disingenuous, escape hatch. As the court pointed out, "Limon is not asserting a *Lawrence*-like due process challenge. Instead, Limon makes an equal protection challenge, ... [and] the law and facts are distinguishable from *Lawrence*."

In light of the Kansas court's 2002 decision, its championing of the distinction between privacy and equality was more than a bit flip. After all, when the court considered the case the first time around, it ruled that "[t]he impact of *Bowers* on our case is obvious. ... Therefore, there is no denial of equal protection when that behavior is criminalized or treated differently." Later, after the Supreme Court flatly overruled *Bowers*, the Kansas court changed positions, ignoring *Bowers* altogether. Instead, it reduced *Lawrence* to its facts and approvingly cited the state's purported rationales for its tenfold discrepancy in sentencing gays. The court noted the "deterioration of the sexual morality approved by a majority of Kansans" and the need to reduce the spread of sexually transmitted diseases. ("Medical literature," according to the court, "is replete with articles suggesting that certain health risks are more generally associated with homosexual activity than with heterosexual activity.") The court also noted that, because heterosexual relationships sometimes produce offspring and homosexual relationships do not, the Romeo and Juliet exemption served the state's interest in ensuring that

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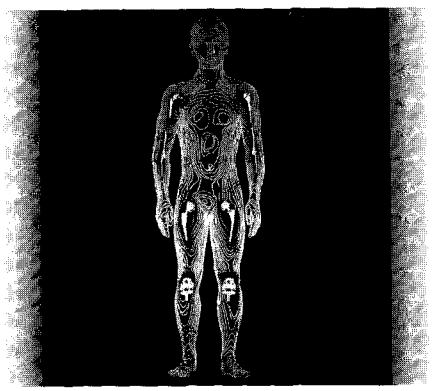

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new parents would not be incarcerated for long periods of time. Because "same-sex relationships do not generally lead to unwanted pregnancies," the judges wrote, "the need to release the same-sex offender from incarceration is absent."

According to Matt Coles, director of the ACLU Lesbian & Gay Rights Project, "The *Limon* court basically reduced *Lawrence* to a case about private sexual behavior. No one who reads the [*Lawrence*] opinion can seriously say that." Indeed, both *Lawrence* and *Limon* involved disproportionate penalties for same-sex sodomy, as opposed to opposite-sex sodomy. And the Supreme Court's instruction that the Kansas court reconsider its ruling in light of *Lawrence* at least suggested that the high court expected a different outcome. The ACLU plans to appeal the decision to the Kansas Supreme Court.

ANOTHER CASE HANDED down last week, *Lofton v. Department of Children and Family Services*, involved a constitutional challenge to Florida's law barring gay men and lesbians from adopting children. The ACLU challenged the law on equal protection and due process grounds, and submitted additional papers to the court after the *Lawrence* decision. But the Court of Appeals for the Eleventh Circuit denied that *Lawrence* required overturning the Florida law. The court noted that, although *Lawrence* "establish[ed] a greater respect than previously existed in the law for the right of consenting adults to engage in private sexual conduct," the Supreme Court never "characterize[d] this right as 'fundamental.'" In short, the lower court refused "to infer a new fundamental liberty interest from an opinion whose language and reasoning are inconsistent with standard fundamental rights analysis." The lower court even went so far as to chastise the Supreme Court for issuing a ruling that invoked principles "not with 'careful description,' but with sweeping generality." It therefore deferred to Florida's interest in placing children "in an optimal home, i.e., one in which there is a heterosexual couple or the potential for one."

The *Limon* and *Lofton* decisions exemplify the complexity of the *Lawrence* ruling. Though Justice Anthony Kennedy's majority opinion adopted robust language that celebrated "liberty of the person both in its spatial and more transcendent dimensions" and noted "broad statements of the substantive reach of liberty under the Due Process Clause," many commentators noted that Kennedy did not apply the rigorous "compelling interest" test that is normally required when a court recognizes a fundamental right under the Fourteenth Amendment's due process clause. Scalia seized on this in his *Lawrence* dissent. As he pointed out, "Nowhere does the Court's opinion declare that homosexual sodomy is a 'fundamental right' under the Due Process Clause; nor does it subject the Texas law to the standard of review that would be appropriate (strict scrutiny) if homosexual sodomy *were* a 'fundamental right.'" Scalia implied that the Supreme Court left gay rights in no stronger a position after *Lawrence*, leaving states free to interfere with the rights of gays and lesbians through the passage of any law that is "rationally related to a legitimate state interest."

The courts in Kansas and Florida took this aspect of *Lawrence* as the starting point in reaching their decisions. Because, they argued, the Supreme Court had declined to grant "fundamental rights" status to same-sex relationships, there was no need to scrutinize their states' anti-gay policies more rigorously. Both courts also seized on the one limiting paragraph of Kennedy's opinion, which pointed out that "the present case does not involve minors. It does not involve persons who might be injured or coerced or who are situated in relationships where consent might not easily be refused. It does not involve public conduct or prostitution. It does not involve whether the government must give formal recognition to any relationship that homosexual persons seek to enter." As the Kansas court reasoned, "Children are excluded from [Kennedy's] proposition." Similarly, the Florida court held that "the involved actors are not only consenting adults, but minors as well."

Coles argues that these decisions rest on a dubious reading of *Lawrence*. While the Supreme Court never used the "fundamental rights" phrase per se, it did hold that the due process clause gives gays and lesbians the "full right to engage in their conduct without intervention of the government." Furthermore, the Court repeatedly cited its prior fundamental rights jurisprudence, implying that *Lawrence* fit squarely within that pedigree. Noting this, Coles concludes that "it is absurd beyond belief to call *Lawrence* a rational basis case. Only outright hostility toward the decision could make you do that."

Surprisingly, *Limon* and *Lofton* might have been decided differently if the Supreme Court had embraced the narrower equal protection rationale set forward in Justice Sandra Day O'Connor's concurring opinion in *Lawrence*. O'Connor argued that the Court should leave *Bowers* intact, striking down only the four state laws that prohibited homosexual sodomy but not heterosexual sodomy, and leaving the broader subject of nondiscriminatory sodomy statutes to state legislatures. Though O'Connor refused to advance the argument that legislative classifications burdening gays and lesbians warranted heightened judicial review, she nevertheless stated that laws evidencing "a desire to harm a politically unpopular group" deserved "a more searching form of rational basis review to strike down such laws under the Equal Protection Clause. We have been most likely to apply rational basis review to hold a law unconstitutional under the Equal Protection Clause where, as here, the challenged legislation inhibits personal relationships." It was exactly this "more searching" review that the Kansas, Florida, and Arizona courts eschewed.

To be sure, the *Lawrence* case holds out the possibility of significant advances in gay rights. But, for now at least, those possibilities don't seem to be materializing in any systematic way. Indeed, says Coles, "lower courts resistant to *Lawrence* are doing their best to avoid it." For now, conservatives are smiling. ■

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The coming rise of liberal talk radio.

Talking Back

BY JASON ZENGERLE

EVERY WEEKDAY, FROM three in the afternoon until seven in the evening, Randi Rhodes delivers her brief against George W. Bush. Much of it is standard anti-Bush fare: He stole the 2000 election, he wrecked the economy, he led the nation into a disastrous war under dishonest pretenses. But sometimes Rhodes takes her critique into less familiar territory. Citing a book titled *George Bush: The Unauthorized Biography*, Rhodes alleges that in the 1940s Prescott Bush, the president's grandfather, sold raw materials to the Third Reich. And then there are the Bushes' business ties to the bin Ladens, which, Rhodes says, go back decades and even involve the president himself, who as a young oilman in Texas was partners with Salem bin Laden, Osama's older brother. Indeed, Rhodes contends that it is the Bush–bin Laden relationship—not an anti-American jihad—that accounts for the September 11 attacks. According to Rhodes, Osama bin Laden, disgusted with the corruption of his own family and the Saudi royals, decided to seek revenge against their most prominent American partners: the Bushes. Bin Laden, in other words, doesn't want to destroy the United States; he just wants to destroy Bush.

Crazy as Rhodes's theories may sound, they do not just disappear into the ether. Broadcast by WJNO, an AM news and talk radio station in West Palm Beach, "The Randi Rhodes Show" is the highest-rated program in the local market's afternoon drive-time slot. Rhodes has more Palm Beach listeners than even Rush Limbaugh, whose show immediately precedes hers on WJNO.

And it's likely that Rhodes's anti-Bush brief will soon reach audiences well beyond Palm Beach. In the past year, two groups have formed to develop national liberal talk shows—and both are interested in Rhodes. One, a nonprofit outfit called Democracy Radio, wants to syndicate Rhodes's show across the country. The other, a for-profit venture called Progress Media, is creating a national liberal talk radio network and is considering Rhodes for its lineup. Either way, Rhodes hopes that, sometime in the next few months, listeners from New York to Los Angeles will be able to hear her smoky, Brooklyn-accented voice rail against the president.

One afternoon last fall, I visited Rhodes at WJNO, which broadcasts from a low-slung concrete building in an industrial section of West Palm Beach. Rhodes often jokes on air that she works in radio because of her "bad hair and blotchy skin," but, in person, she turns out to be an attractive bottle-blond who wouldn't look terribly out of place in the front row at an Aerosmith concert. (This is perhaps unsurprising given that, before she became an AM talk-show host in the early '90s, she'd worked a dozen years as an FM rock deejay and managed bands on the side.) As a radio veteran, Rhodes knows that each hour on the air requires at least another hour of preparation, so about two-and-a-half hours before airtime, she was sitting in a darkened studio, poring over a sheaf of articles she'd printed off the Internet. The clip that had her most excited—and agitated—was the transcript of a press conference President Bush held earlier that morning. "These are clearly scripted news conferences," she complained, waving the transcript in the air, "and that's dangerous, because there are a lot of serious questions that need to be asked." Rhodes didn't say what these questions were; instead, she proceeded to read some of Bush's answers aloud in what can only be described as a doofus voice, chuckling to herself.

A couple hours later, Rhodes was still on the same topic, this time with a microphone cradled in her right hand, addressing not just me but thousands of listeners throughout Palm Beach. "You had to actually be married to the Republican Party to believe the president today," she declared. She ridiculed Bush's explanation that the people attacking American troops in Iraq "hate progress": "People are willing to strap bombs on their bodies because they hate electricity ... and they hate school?! This is the explanation we're getting?!" Then she raged over the president's contention that it was the crew of the U.S.S. *Abraham Lincoln*, not the White House, that hung the MISSION ACCOMPLISHED banner as a backdrop for his May speech aboard the ship: "Today, he even went as far as to blame the troops for putting up an off-message sign! I can't believe he does that, using the guys that really fought." As she neared the end of the show, Rhodes was still rolling: "The president is a bald-faced liar. Even about little things like a banner, he can't tell the truth."

RANDI RHODES WOULD seem to give lie to the hoary notion that liberals are constitutionally incapable of succeeding in the rough-and-tumble medium of talk radio, that they are, as more than one talk radio host has proclaimed, "mealy-mouthed wimps." As Rhodes demonstrates every afternoon drive, a liberal talk radio host can be just as bombastic, hyperbolic, and plain old nasty as a conservative one.

But Rhodes is the exception that proves the rule. While she has achieved relative success, most liberal talkers—including such celebrities as Mario Cuomo, Alan Dershowitz, and Jim Hightower—have proved to be failures, their

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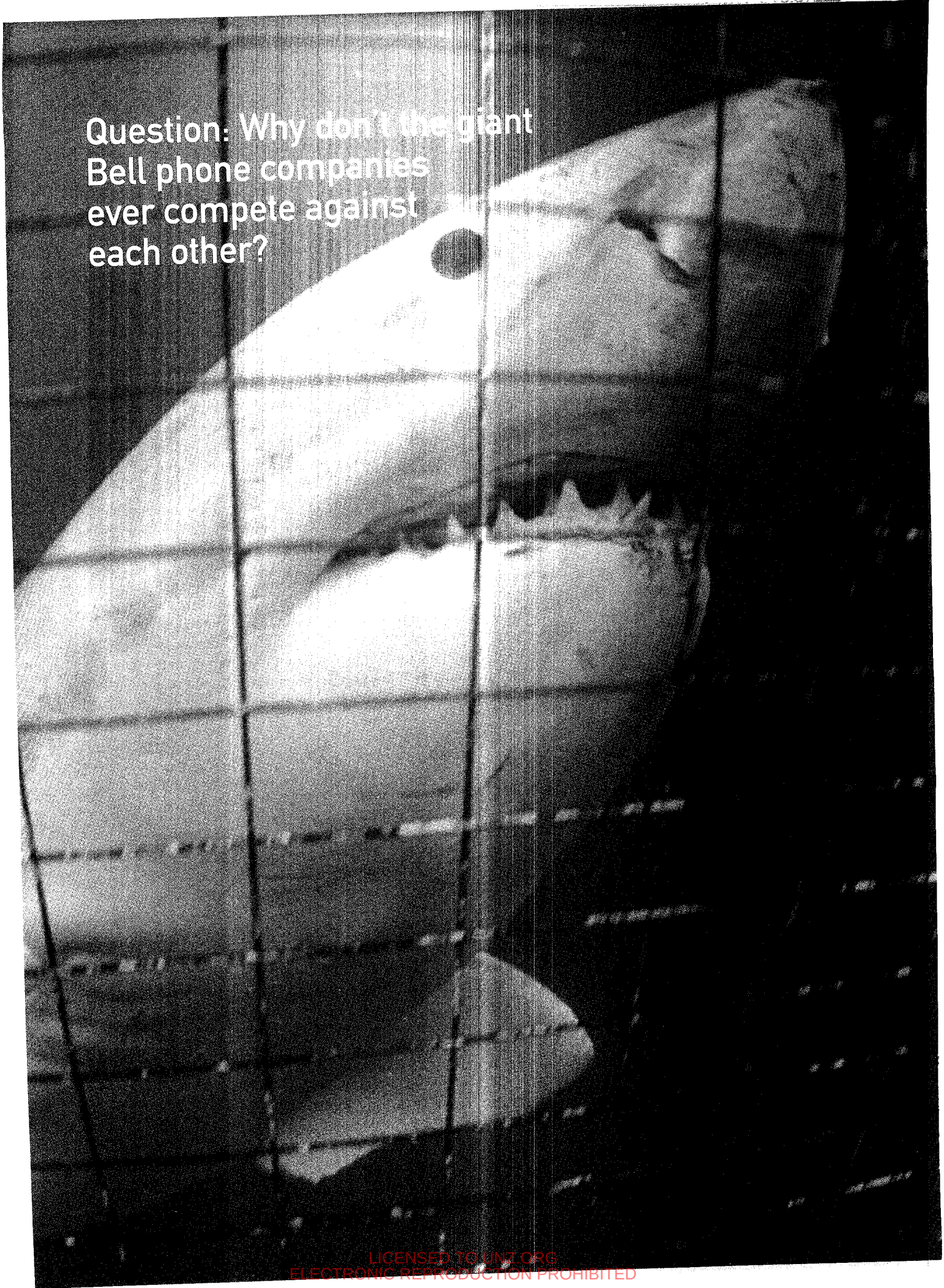

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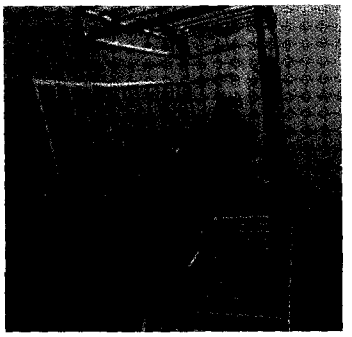

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[1]"Ameritech customers off limits" Chicago Tribune, October 31, 2002; [2]SBC Analyst Call, November 13, 2003

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shows canceled after drawing atrocious ratings. The result? An almost top-to-bottom roster of conservatives on talk radio. According to one recent study of the 45 top-rated AM talk radio stations in the United States, conservative talk accounts for 310 hours of airtime each week; liberal talk just five hours.

Explaining this imbalance has long been a parlor game of political and media analysts, giving rise to some entertaining theories. One relies on the work of Carl Jung to argue there is "an insufficient psychographic base for liberal talk radio to succeed and grow the way conservative talk radio has"—in other words, liberals think and communicate in ways that are a bad fit for the medium. Another posits a vast right-wing conspiracy among radio-station owners and radio conglomerates, such as Clear Channel, to hire only conservative talkers. Yet another theorizes that the Reagan administration, in a remarkable bit of foresight, got rid of the Federal Communications Commission fairness doctrine in 1987 to make way for conservative talkers. Some simply argue that the cultural makeup of the left—as opposed to that of the right—is too diffuse for radio programmers to target successfully.

But, in the past year, as efforts like Democracy Radio and Progress Media have gathered steam, the question of why liberals have been unable to match conservative talkers' success has become more serious, more focused—and more urgent. After all, if liberals can't figure out the cause of the talk radio imbalance, how can they ever hope to correct it?

Of all the explanations offered for the conservative dominance of talk radio, the most persuasive can be summed up in two words: Rush Limbaugh.

In 1988, former ABC Radio President Ed McLaughlin was looking for a talent around whom to build a nationally syndicated show, when a friend pointed him toward Limbaugh, then a 37-year-old relative unknown working at a news/talk station in Sacramento. Limbaugh, a radio veteran who had started his career as a music deejay after dropping out of college at the age of 20, was doing an unusual talk show for that time in two respects. One, it broadcast during the day; at the time, most talk radio was broadcast at night. And, two, Limbaugh's show focused on politics; talk radio then consisted primarily of interview and personal-advice shows.

McLaughlin traveled from New York to Sacramento and listened to Limbaugh's show in his hotel room. He wasn't impressed, thinking that Limbaugh was too pompous and too loud. But, on a subsequent trip out West, McLaughlin put Limbaugh on as he cruised around in a rented car. It was then that he realized that what had annoyed him in the hotel room—Limbaugh's arrogance and his volume—captivated him as he drove. Limbaugh made all the distractions of the road fade away. "Limbaugh being a conservative was almost beside the point," says Jon Sinton, a radio executive now working for Progress Media. "He was just a phenomenal radio talent."

Later that year, McLaughlin took Limbaugh's show national, using what came to be known as the barter model. In exchange for a percentage of advertising inventory, McLaughlin offered AM stations Limbaugh's noon-to-three show for free. Fifty-six stations—most of them desperate to fill airtime, especially if they could do so at no cost—took McLaughlin up on the offer. Before long, Limbaugh was a hit, and the talk radio landscape was radically altered.

The success of Limbaugh's show, which is now broadcast on some 600 stations and heard by an estimated 14.5 million listeners each week, spawned legions of imitators—ranging from national personalities like Sean Hannity and Oliver North to local talkers whom no one outside of their markets has heard. "The radio industry is a reactive industry," explains Tom Athans, a Democratic media consultant who is now spearheading Democracy Radio. "Radio executives saw Limbaugh's format—he's wild, he's entertaining, he's conservative—and saw that it was successful, and that became the template." Or, as Sinton explains a bit wistfully, "If Limbaugh had been a flaming liberal, then today there'd be a bunch of conservatives complaining about all the liberals who are on the radio."

The Limbaugh theory, then, gives the boosters of liberal talk radio hope. If it's true, it means that conservatives have succeeded not because of their politics, but because they have a functioning model for how to present their views in an entertaining fashion. Progress Media CEO Mark Walsh believes that, if his company can just find the right entertaining liberal hosts—comedians like Al Franken and Janeane Garofalo or radio vets like Randi Rhodes—and not, as he puts it, "finger-wagging, eat-your-veggies, liberal talk-show hosts," then liberal talk radio can succeed, too. The conservative dominance of talk radio, according to the Limbaugh theory, is a supply-side-driven phenomenon. "The country ideologically is pretty much split fifty-fifty," says Democracy Radio's Athans. "It's just an issue of supplying good and entertaining personalities who happen to be liberal."

But, while there's no denying Limbaugh's talent as an entertainer, it would be foolish to discount the role his politics played in his success—and the success of his imitators. Limbaugh grew up in a solidly Republican family in Cape Girardeau, Missouri, but, as his liberal detractors never tire of noting, he wasn't terribly political before the birth of his show in Sacramento. Indeed, as Paul D. Colford reported in his unauthorized biography of Limbaugh, in the first twelve years the radio host was eligible to vote, he never even registered; he only did so after a Sacramento newspaper reporter inquired about his lack of a voting record. So it was likely something other than personal conviction that motivated Limbaugh to adopt a conservative persona for his show—for example, a sophisticated understanding of the radio genre he was working in.

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LIBERAL TALK RADIO boosters are right that talk radio is not inherently conservative. But it *is* inherently anti-establishment. "Anything that flies in the face of the establishment works on talk radio," says Michael Harrison, editor and publisher of the industry trade magazine *Talkers*. "That's true for talk radio about business and talk radio about medicine. It's even true for talk radio about gardening. [You hear things like], 'People say you're supposed to water the lawn in the spring, but that's bullshit!' "

A savvy radio veteran like Limbaugh undoubtedly realized this. "The reason Limbaugh didn't become a liberal is because there wasn't a need for a liberal host when he came up," says Harrison. "Not only was Limbaugh the right singer, he was singing the right song. There were lots and lots of conservative people in the country—enough to constitute a radio niche market—who were angry and disgruntled about politics and who wanted to hear a conservative view."

At first glance, that might seem odd. After all, when Limbaugh started his show in Sacramento in 1984 and then took it national in 1988, Ronald Reagan was president. Conservatives were in ascendance; liberals were in retreat. But it was nonetheless conservatives, not liberals, who felt more angry and marginalized. And their greatest grievance was against the media, which they perceived as overtly hostile to their views. (A 1987 poll by the Pew Research Center found that 62 percent of Republicans thought the press was biased toward liberals; 48 percent of Democrats actually agreed.) Limbaugh happily reinforced that perception, telling his listeners that the mainstream media constituted "a daily assault on what you and I believe" and that "the dominant media culture" was complicit in an effort "to impugn ... the things that most people in this country hold dear." While liberals trusted the newspapers and Brokaw, Jennings, and Rather to give them the news, conservatives, by and large, did not. So they tuned into Limbaugh—and later his imitators—to get the news from someone who they believed shared their values. "Many people say I need to be balanced with equal time," Limbaugh frequently told them. "I don't need to be balanced with equal time, because *I am equal time*!"

The crucial role that the perception of liberal media bias has played in the success of conservative talk radio can especially be seen today. Despite the fact that Republicans wield even more political power than they did under Reagan and conservatives have essentially created their own talk radio media establishment, conservative talkers continue to portray themselves as embattled rebels. "Please!" Limbaugh has responded to liberals' complaints about the conservative dominance of talk radio. "On TV you own C-SPAN, PBS, C-SPAN 2, CNN, ABC, CNNfn, CBS, MSNBC, CNN Headline News, NBC, CNBC, Bloomberg, Lifetime, Oxygen, etcetera. Simply for giving the conservative point of view equal time, you call Fox 'conservative.' You have radio guys on NPR twenty-four/seven!" It's almost as if conservative talkers and their listeners need to envision themselves as lone voices in the media wilderness.

BUT CONSERVATIVES HAVE not been the only people who believe that the mainstream media is hostile to their views. Many African Americans have long felt that way, too, which is probably why the genre called "urban talk" has proved the one area of talk radio in which liberal hosts have tended to succeed. Many major cities, particularly on the East Coast, boast thriving urban talk stations on which liberal, rather than conservative, views hold sway. And no urban talk station has been as successful or as important as WOL in Washington, D.C.

In 1980, an African American woman named Cathy Hughes bought the 1,000-watt WOL and changed its format from soul music to news/talk. It was not, initially, a successful shift, and the station and Hughes almost went bankrupt. But, in 1986, Hughes, who in addition to owning the station hosted its morning show, found ratings gold. *The Washington Post*, a long-standing source of grievance for many black Washingtonians (who perceived the paper as catering to the city's white residents), relaunched its Sunday magazine with an issue that featured a cover story on a black rapper charged with murder and a column by a white writer sympathizing with local merchants who locked their doors to bar young black men. Hughes pounced. Using her morning show, broadcast from a storefront studio in a blighted section of Northeast Washington, she launched a protest movement, urging black Washingtonians to dump their copies of the paper at the *Post*'s headquarters each Sunday. They did so for 13 weeks, until the *Post* capitulated by sending its editor and publisher on Hughes's show to apologize.

The *Post* controversy made WOL a must-listen for many black Washingtonians; the next year, the station turned its first profit. Moreover, Hughes learned a valuable lesson: In order to keep ratings and profits high, she needed to, as she would later instruct her employees, "find causes and talk about them"—something she most frequently did by denouncing the *Post* and other parts of the city's white establishment. In 1990, for instance, Hughes went to the mat for embattled Washington Mayor Marion Barry, telling her listeners that they must support Barry because his arrest on drug charges was just another example of the white system targeting a powerful black man. Her listeners responded, contributing so much money to Barry that the "WOL family," as Hughes called her listeners, ultimately covered nearly the entire cost of Barry's imprisonment, for which, as part of his sentence, Barry was responsible.

Today, Hughes is too busy running Radio One—the $3 billion, 67-station radio empire she has built on top of WOL—to host a show herself. But her old morning drive-time slot at WOL is held down by Joe Madison, who has carried on her rabble-rousing tradition. Known as the "Black Eagle," Madison began his radio career in the 1970s as a weekend sidelight to his regular job as a political organizer for the NAACP. When Madison went into radio full time in the '80s, he considered it an extension of his political

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work. Over the years, he has used his talk show as a platform to launch a campaign to end slavery in Sudan, promote the conspiracy theory that the CIA introduced crack cocaine to Los Angeles, draw attention to incidents of police brutality, and generally complain about the white establishment's mistreatment of African Americans. "We as black people are undervalued, underestimated, and marginalized," he frequently tells his listeners.

One morning late last year, I went to see Madison at the modern office building in Lanham, Maryland, to which WOL (and Radio One's corporate offices) relocated a few years ago. Madison does his show from a new state-of-the-art studio that, in addition to sending a signal out on WOL, now also beams his voice over "The Power," a national urban talk station broadcast on XM satellite radio. Although Madison has long had close ties to a number of black politicians, his national reach has brought him more clout. On the morning I visited him, he hosted Jesse Jackson, Wesley Clark, and Congressional Black Caucus (CBC) members Donald Payne and John Lewis. Indeed, hardly a show goes by when a CBC member doesn't join the Black Eagle on the air. "Charlie Rangel drives around in his gray PT Cruiser, and he listens to the show, and he'll call up," Madison boasts. "The other day, he called to say he was going to ask for [Donald] Rumsfeld's resignation. He said he wanted to give my listeners the first word. Now I'm feeling good, and my audience is feeling good, because we heard it first."

Still, despite his growing clout, Madison won't give up the anti-establishment mantle. "Limbaugh once told a black caller that African Americans only make up fourteen percent of the population, so who cares what you think? I honestly think that perspective, that comment, reflects a culture that exists in the newsrooms across this country," Madison says. "I read ten papers, I get on the Internet, and I see the way they culturally condition people to believe that white is superior and black is inferior. ... Therein lies the success of black talk radio. We have a perspective on everything, and it's usually counter to the mainstream."

OF COURSE, EVEN white liberals are seething with anti-establishment anger these days. First they were frustrated with the Florida recount, and the war in Iraq has driven many over the top. And, while countless political commentators have noted the left's near pathological hatred of President Bush, they generally overlook the fact that the press is also becoming a target of liberals' wrath. After all, Bush may have stolen the 2000 election, liberals believe, but the media let him get away with it; and, while Bush lied about the reasons for going to war in Iraq, liberals argue, the press didn't subject his claims to sufficient scrutiny.

To see that liberals harbor a growing grievance against the media, one need only glance at recent books popular with liberal readers (such as Eric Alterman's *What Liberal Media?* and Al Franken's *Lies and the Lying Liars Who Tell Them*) or visit one of the more heavily trafficked liberal bloggers (such as Atrios or DailyKos) or tune into one of the handful of successful liberal talk radio hosts (such as Randi Rhodes, who tells her listeners, "The media is so hypocritical because you know and I know that, if any of the stuff that's happening now had happened when Clinton was president, that people would be excoriating" Bush). And polling data is beginning to bear this out, too: According to a recent survey by the Pew Research Center, 29 percent of Democrats believe the media's coverage of the presidential campaign is tilted toward Republicans—up from 19 percent in 2000. This is presumably why, during his rise to temporary Democratic front-runner, Howard Dean spent almost as much time bashing the establishment media as he did attacking the White House: It worked.

Why does the charge of conservative media bias now resonate so much more with liberals? To put it bluntly: the Fox News Channel. Fox makes up a tiny fraction of the mainstream media, averaging about 1.7 million viewers in its most watched hours, compared with the 30 million or so people who tune in each night to one of the three network newscasts. But its meteoric rise (the network only began broadcasting in 1996) and pugnaciously conservative slant (masterminded by its chairman, former Republican strategist Roger Ailes) casts a disproportionately large shadow on the media landscape. Moreover, many liberals believe that Fox has caused competing media outlets, perhaps unwittingly, to tilt to the right—particularly in their coverage of Bush and the war in Iraq. "The conservative orientation of Fox is invaluable to the right," Alterman writes in *What Liberal Media?*, "not merely because Fox offers the spin on reality conservatives prefer to have people see and hear, but also because it helps pull the rest of the not terribly liberal media in its direction." Adds Marty Kaplan, an associate dean at the University of Southern California's Annenberg School for Communication: "More and more progressives and liberals are feeling as though the Roger Ailes school of news is the only one that's out there."

This growing liberal anger at and alienation from mainstream media is just one reason why the latest liberal talk radio efforts are far more likely to succeed than past ones. In the conservative media—be it real or imagined—liberal talkers finally have a suitable foil, a new media establishment against which to cast themselves. "The notion that the folks on Fox are the marginal types trying to fight their way back in isn't going to wash," says Kaplan. "They're the priesthood." Liberal talk radio, he adds, will serve as "a way for a flea to bite the butt of the king"—something Kaplan hopes to do himself, having recently signed on with Progress Media to host his own media affairs show once the network is up and running in the spring.

The liberal talk radio shows will likely vary. Progress Media, with its signing of Al Franken and hopes of landing Janeane Garofalo, is relying on Comedy Central's satirical TV newscast "The Daily Show" as a model for much of its content. "If we do liberal analogues to [Hannity and Limbaugh], I think we'll have failed," says Walsh. By contrast,

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Democracy Radio is basically looking for liberal Limbaughs. But, whether it's a comedian or a ranter behind the mic, liberal talk radio's overarching message will be angry, aggrieved, and anti-establishment—and therefore, quite possibly, successful.

BUT SUCCESS AT what cost? Talk radio can perform the valuable service of providing aggrieved people with an arena in which to vent their frustrations and air their complaints. It can function as a voice for the voiceless.

The problem is, talk radio can never effectively *answer* those frustrations and complaints, because, for a talk radio show to succeed, it must keep those frustrations and complaints alive. After all, without a simmering source of grievance, people won't listen. In this sense, then, talk radio is the quintessential "arena for angry minds" that Richard Hofstadter wrote about in his seminal 1964 essay "The Paranoid Style In American Politics." Although Hofstadter was writing a quarter-century before Limbaugh took his show national, the hallmarks of the paranoid style that Hofstadter listed—"heated exaggeration, suspiciousness, and conspiratorial fantasy"—read like a perfect description of talk radio's most relevant characteristics.

It is this paranoid style that makes talk radio such a difficult—not to mention dangerous—political force for politicians to try to harness. Just consider what happened to Republicans in the '90s when they rode the talk radio wave. With conservative talk radio assuming new importance after Bill Clinton's 1992 election, Newt Gingrich and his fellow House Republicans turned to it as a base of support in the 1994 midterm elections. When Gingrich announced the Contract with America two months before the midterm elections, the Republican National Committee lined up 300 talk radio interviews for its signers, and, when the GOP subsequently swept the midterm elections, much of the credit went to talk radio. Limbaugh, former Republican Representative Vin Weber said at the time, was "really as responsible for what's happened as any other person."

But conservative talk radio was a double-edged sword for Gingrich and other House Republicans, because, while it put them in the majority, it was a beast that continually needed to be fed. The political compromises necessitated by being in political power were greeted with howls of protest by talk radio hosts and listeners. Threatened by their backlash, Gingrich and his fellow Republicans in Congress engaged in increasingly aggressive, and irrational, behavior—shutting down the government, promoting wild conspiracy theories, impeaching the president. Eventually, that behavior proved their downfall. This outcome was hardly surprising, given that, by its very definition, the frustration that talk radio taps into can never actually be satisfied. As Hofstadter wrote about the paranoid style, "Since what is at stake is always a conflict between absolute good and absolute evil, what is necessary is not compromise but the will to fight things out to a finish. ... This demand for total triumph leads to the formulation of hopelessly unrealistic goals, and since these goals are not even remotely attainable, failure constantly heightens the paranoid's sense of frustration. Even partial success leaves him with the same feeling of powerlessness with which he began, and this in turn only strengthens his awareness of the vast and terrifying quality of the enemy he opposes."

But Democrats appear to have learned little from the Republicans' cautionary talk radio tale, because they appear intent on hitching their wagons to talk radio to an even greater extent than the GOP did. While Republicans in the early '90s tapped into a talk radio phenomenon that had developed organically, Democratic politicians are trying to jump-start the process on their own. Both of the groups currently working on liberal talk radio ventures deny any formal affiliation with the Democratic Party. But Progress Media's CEO Walsh recently served as the DNC's technology adviser; and Democracy Radio's Athans is a longtime Democratic activist who's married to Michigan Senator Debbie Stabenow. Moreover, the desire to create viable liberal talk radio programs goes all the way up to the top of the Democratic Party. "[I]f we're going to try to break through as Democrats, we have to have the same edge that Republicans do," Tom Daschle said of the need for liberal talk radio shows shortly after the 2002 midterm elections.

Which is why, last November, Louisiana Senator Mary Landrieu hosted a fund-raising lunch for Democracy Radio at her Capitol Hill home. Together with about 20 other Democratic senators—including Stabenow, Daschle, and Hillary Clinton—Landrieu fêted Rhodes and a North Dakota liberal talker named Ed Schultz, both of whom Democracy Radio hopes to syndicate nationally. Though the fund-raiser was closed to the press, Rhodes later recounted for me what transpired. After lunch, Florida Senator Bob Graham introduced Rhodes to those assembled. According to the talk-show host, Graham told the crowd about the many Democrats who had replaced Republicans in elected office in South Florida since Rhodes went on the air there; Graham went so far as to proclaim that no Republican could win wherever Rhodes was heard. It wasn't long before the money was rolling in. "I heard people yelling out dollar amounts," Rhodes remembered. "I thought it was two hundred and fifty dollars, but it wasn't. ... They were pledging two hundred and fifty thousand dollars."

These are obviously large sums to wager on a talk-show host who, following the capture of Saddam Hussein a few weeks later, would tell her listeners that American forces had had the former Iraqi dictator in custody for months and were only revealing him now as a "Christmas present from the president." Why are Democrats willing to make this gamble? For Rhodes, the answer is simple. "Our purpose as talk-show hosts is to say things you can't say," she recalled telling the senators gathered at Landrieu's house that day. The question Democrats need to ask themselves is, are they sure they want people to be saying those things on their behalf? ■

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BOOKS & THE ARTS

STANLEY KAUFFMANN ON FILMS

Two Returns

MOUNTAIN CLIMBING, OF all dangerous sports, has always seemed to me the silliest. Auto racing, almost equally dangerous, is inane enough; still, anyone who drives a car can at least understand the thrill of hugely amplified power in human hands. But the tree climbing and rock climbing that many of us know have no connection with true mountain climbing, those ascents and descents of vertical icy faces with axes and crampons and the linkage of ropes.

TOUCHING THE VOID
(IFC)

HIDING AND SEEKING: FAITH AND TOLERANCE AFTER THE HOLOCAUST
(First Run)

The very word "sport" seems fraudulent. Other risky pursuits have some grace in them, some sense of competition, of victory or defeat: mountain climbing has none. Worse, what we may take for admiration of the climber's courage is—admitted or not—a decline into degeneracy. Death is what we are watching for. Auto racing gives us all a touch of the ancient Romans. Indianapolis is not the Coliseum where blood was essential, but a crash on the racetrack is, if we want to be candid, gratifying: it certifies that all drivers all the time are gambling with their lives, and one or two of them have proved it. A climber's accident on an icy slope is just as fatal but not as theatrical.

Further, mountain climbing, more than any other risk-taking, is wrapped in vacuous philosophy, even theology, flourishing out of its physical aspects. The very title of an alpinist film called **TOUCHING THE VOID** is a flagrant instance. These men climbed, it implies, to approach metaphysical vastness. We can think otherwise. In an earthbound picture called *My Dinner With André*, Wallace Shawn says, "Why do we require a trip to Mount Everest in order to be able to perceive one moment of reality? Is Mount Everest more real than New York? ... I think if you could become fully aware of what existed in the cigar store next door to this restaurant, it would blow your brains out."

Only a certain kind of schlemiel, Shawn implies, would need Everest in order to apprehend the void through mountain peaks and snowy immensity. In *Touching the Void* one alpinist says that "freedom from clutter" is what he prizes up there. This is too simple to be anything like the whole truth. George Mallory said that he wanted to climb Mount Everest because it was there. The line is often quoted as a percept of vision and grit. Possibly it was just gilded vanity.

Touching the Void, though, is interesting in itself rather than in its subject. It tells the true story of two Englishmen, Joe Simpson and Simon Yates, who climb a fearsome icy face in the Peruvian Andes in 1985. The ascent is tough, the descent even tougher. At one point Simpson, who is lower at the moment than Yates, breaks his leg. The rope that ties him to Yates keeps him from free fall, but of course his weight is endangering his partner above. Yates decides that it is better to lose one life than two and cuts the rope. In fact both men survive. (No death for the fans, just a close call.) In a work of art, that decision and its aftereffect on both men would be meaty material. In this re-enactment it is only the high point of an adventure.

But the film, directed almost with fierceness by Kevin Macdonald, is a wondrous recreation of that physical adventure. The most profound element, the moral crux, is skimped, but I kept wondering, not so much about the actors who were playing Simpson and Yates, as about the cameramen who were photographing them on that icy face, possibly suspended while they were doing it. The Simpson actor and a crew had to drop into a crevasse that is, we are told, larger than the dome of St. Paul's Cathedral. There was heroism, and to some purpose.

Simpson wrote a popular book about the climb. Macdonald interviewed both Simpson and Yates recently, and he intercuts bits of those interviews with the freezing hazards. Macdonald manages to blot out—white out—our foreknowledge of the happy ending much of the time, less with the duo's activities than with the risks taken by himself and his crew. He shot the film in the Peruvian Andes and in the Alps, with actors and stunt doubles and with a cinematographer, Mike Eley, who makes the snow look sinister. All of them are so expert and daring that at the finish they are the ones, not the original climbers, whom we admire.

Possibly this is because these men did what they did for tenable reasons, which is more than we can say for Simpson and Yates.

Another film about the Holocaust—wretched though it is to say this—needs a reason to exist other than its subject. No one who would now see such a film lacks general information. Some new approach or fresh insight is essential, if only to avoid the dreadful tag "one more Holocaust film." Menachem Daum and Oren Rudavsky succeed. Their documentary **HIDING AND SEEKING: FAITH AND TOLERANCE AFTER THE HOLOCAUST** is, of all things, timely. It is also courageous.

Daum, a Brooklynite, has spent much of his film life interviewing Holocaust survivors. He was spurred to this new project when his wife came home one evening very upset after hearing a rabbi's lecture that called for hatred of the non-Jewish world. Daum, equally upset, knew that this view exists among some Jews, often among the ultra-Orthodox, and he also knew that his father's life had been saved by Polish farmers who hid him from the Germans for two years. Daum's two sons are yeshiva students in Jerusalem, where they live with their wives and children, and were apparently exposed to this anti-Gentile prejudice. Daum visited his sons and persuaded

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them to accompany him to Poland.

Earlier documentaries have shown Jewish survivors meeting and thanking those who had helped them. The Daum family's visit to Poland included gratitude, but its purpose was more to enlighten the sons—and other Jews—who, as a result of the twentieth century, want to live on an island of Jewishness. This film broadens views, but it has its wry side. The only two people left on the farm who were there in the Nazi days are a gaunt toothless old man and his wife, now bent double. They are not emotionally wrought by the reunion. They remember the Jew whom they hid, but they are a bit miffed that, after the risks they had taken, they had never heard from him afterward. There is also a suggestion that, in time, they expected some sort of recompense—had been led to expect it by Daum's father.

These touches of anti-sentiment help to verify matters. It is not until the Daum family's second visit, along with the Israeli ambassador to Poland and formal recognition, that the farm folk warm up. Some justice has been done; and of course the Daum sons have been enlightened. Through the film-making fluency of Daum and Rudavsky, and through Daum's own warm presence in the picture, *Hiding and Seeking* has substance and point. ■

JED PERL ON ART

Beyond Belief

"TRASH," ACCORDING TO Sabine Folie, chief curator at the Kunsthalle in Vienna, "has become a transcendental necessity." Folie, about whom I know nothing other than her absolutely perfect name, is writing in the catalogue of "'Dear Painter, Paint me . . . ,'" an exhibition that recently toured Europe and included work by John Currin, the fly speck of a painter who has been stuck in many a New Yorker's eye since his mid-career retrospective opened at the Whitney Museum in November. In a rational world, Currin's mousy imitations of old-master portrait styles would not earn him a freelance gig as a magazine illustrator, but we are living in a very different kind of world, where Currin and his ilk are showcased at the Pompidou Center in Paris, accompanied by an essay of Folie's titled "Meta-Trash," in which she observes that "there can no longer be any painting without trash." She hastens to add that "This observation does not exclude seriousness of intent.... The more everyday 'trash' invades and contaminates our pictorial worlds, the greater is the potential for the 'magical' quality of a work to emerge." I would take the lunacy of Folie's argument for a parody in a novel about the contemporary art world, except that this winter some version of Folie's turgid mix of hipster metaphysics and academic aggression has been circulating in just about every corner of Manhattan where people are talking about the paintings of John Currin.

JOHN CURRIN
(Whitney Museum of American Art)

Currin is a symptom. He reflects the cracked values of an art world where most of the people in charge no longer know what gives a work of art life. The unease or confusion that greets Currin's portraits of suburban matrons and young cuties and gay couples, which are larded with allusions to old master paintings and pop culture, is said to mark the emergence of a freshly off-kilter sensibility. Currin's lounge-lizard gambits are hailed for giving classical values a modern ironic twist. Robert Rosenblum and Peter Schjeldahl, writers so suave that they pass as something other than the connoisseurs of fashion that they are, marshal all their formidable erudition and literary ingenuity to make the case for Currin as a major player in the art historical games. In the catalogue of the Whitney show—which was organized by the Museum of Contemporary Art in Chicago and the Serpentine Gallery in London—Rosenblum announces that "Currin knows his old masters inside out," and tells us how much he enjoyed touring the Metropolitan's permanent collection with the artist. Last year Currin himself curated a selection of masterworks at the Boston Museum of Fine Arts, thereby proving that he likes Velázquez as much as the next guy. Currin certainly knows how to spritz ideas. He's got a line on everything, from photographs of models in *Cosmopolitan* to Cranach's Venuses and Eves. He dabbles with misogyny, but slyly, so that it registers as nouveau masculinity. And of course this pleases the guys in Tribeca, with their fashion-model girlfriends and steak dinners and cigars, among whom there might be somebody with the half-a-million bucks that you now need to buy one of Currin's paintings.

THIS RELATIVE NEWCOMER—Currin was born in 1962—is the art world's equivalent of the fast-talking politician. He will overwhelm you with glittery ideas even as each sentence that comes out of his mouth leaves you more convinced that he believes in nothing. In the arts, believing in nothing can seem like a high-class position. While every artist surely needs a healthy dose of self-critical skepticism, Currin's standpoint is just nihilism-lite. His admirers read the limpness of his work as a new brand of world-weary sophistication. I think the paintings are merely ill-focused. Whatever the knowingness of his allusions, classical structure and modern skepticism are for Currin not grand principles to be grappled with, but intellectual accessories, attitudes to be tried on for size like the latest rags from Jeffrey's. As a dissent from modernism Currin is a joke. The critique of modernism's rage for purity, which is as old as modernism itself, requires a gravitas that is beyond the reach of this prime-time buffoon. Currin's oft-admired "technique"—he is said to paint fur and hair especially well—would not have earned him an entry-level job in a painter's workshop three hundred years ago. Many of the poverty-stricken girls who painted flowers on porcelain plates in nineteenth-century French factories were more talented than he is. He is merely the latest sharpie to make a killing with the sodden heap of gimmicks that Eric Fischl and David Salle used to bulldoze their way to SoHo stardom in the early 1980s. His work is toxic—art pollution.

My feeling is that the mainstream museumgoers who take an interest in

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contemporary art are baffled by Currin. His work arrives accompanied by a confetti shower of doubletalk and disinformation that can make anybody's head spin. He is heralded as an original when he embraces such hackneyed late modern gambits as the return to painting, the revival of portraiture, ironic traditionalism, and tongue-in-cheek social commentary. While critics are glad to register a few qualms about the work of a relatively young artist, as if they were kindergarten teachers leaving room for improvement, almost nobody in the press questions Currin's alleged importance—certainly not *The New York Times*, which has more and more become a cheerleading section for whatever the museums choose to do about contemporary art. And the public, hoping to make what they see jibe with what they read, has embarked on a series of earnest discussions about Currin's painterly technique and the ironic attitude that he takes toward the middle class. People are simply not accepting the evidence of their eyes. They are instead looking for rationalizations for Currin's glassy surfaces, weird passages of impastoed paint, fakey feathery brushwork, and violations of anatomy, which may be conscious stylizations but are more likely signs of plain incompetence. Formally, Currin does not have strategies; he has twitches. And the attitude that he takes toward the aging matrons and the snub-nosed lads and lassies whom he paints feels slapdash, perfunctory. You are left wondering whether Currin loves or hates these people. My guess is that he doesn't know or care.

Some say that Currin is still growing as an artist, that his technique is improving, that he is becoming more serious. I understand where these people are coming from. They are the sweet, earnest souls who want to believe that all is well in the world. But Currin's strongest supporters know that those sober, sympathetic museumgoers are a bunch of chumps. Currin's core constituency—the people who put him where he is and mean to keep him there—believe that trash is transcendent. They locate Currin in the kitsch hall-of-fame genealogy of the exhibition "'Dear Painter, Paint me . . . ,'" which began with the unctuous nudes that Francis Picabia painted from photographs of pinups in the 1940s. Since the 1980s, those seedy compositions have been the subject of an intellectual game in which bad painting is turned into good painting, which in turn is represented as something bad, and so forth, until the very idea of taste becomes a sick joke.

I really don't care if Currin has actually put a little sweat into his musty impersonations of old master techniques. You can give the canvas a workout and still be a stinko technician. The real problem here is that technique in art cannot be divorced from belief. And Currin believes in nothing. I expect that Currin's fans will roll their eyes at the very mention of belief. The idea that some artistic faith ought to have a hold on their hero-of-the-moment denies Currin the swaggering independence that is mistaken for creative freedom. Currin's supporters, and they are the same people who have pitched for Lichtenstein and Schnabel and Koons, have moved beyond belief. Of course this attitude has a long history, going back to Duchamp's frontal assault on the magical aura of the work of art. But there is a new quality to the skepticism that we are seeing today, for it is not so much a skepticism about the modernist orthodoxy—or about classical or romantic values—as it is an unwillingness to believe that anybody ever actually believed in anything.

II.

Currin and the band of sleazeball figure painters with whom he is associated—they include Elizabeth Peyton, Glenn Brown, and Lisa Yuskavage—would like us to imagine that we are living in the wreckage of a legendary era in the arts, an era when modernism was the reigning belief. I do not agree. I take it for granted that modernism, which has always been expansive enough to push at its own limitations, remains the reigning belief among the artists for whom there is still such a thing as belief. At the core of the art world's troubles is not a shift in beliefs, but a collapse of belief. There is an unwillingness, or perhaps an inability, to accept art as a complex, wondrous universe that contains laws, truths, myths, and mysteries. Like all the essential theories about the nature of art—like classicism in parts of the seventeenth and eighteenth centuries, like romanticism in the early nineteenth century—modernism began as an attempt to explain what made art tick, to account for the overwhelming emotional experiences that art provides. Modernism gave birth to an orthodoxy, and like all great orthodoxies the modernist one has some of the drama of a throw-down-the-gauntlet proposition. It holds that what counts in painting are the elements that are inherent in painting, such as shape and color. The modernists have always argued that all art lives or dies in its own formal terms, and this argument represents a part of the truth, just as the classicists were partially right when they argued that there are certain timeless structural principles, and the romantics were partially right when they argued that art's power is grounded in the inherently unpredictable nature of the creative process.

Modernism, like most orthodoxies, has probably always been healthiest when it has been a little rough around the edges, when people have questioned it and taken it apart from the inside. This kind of critique continues today, and it is reflected in the best shows that you can see in the galleries—this past fall in Stephen Westfall's geometric abstractions, with their dramatically deep-toned colors and held-in yet heaving emotions (at Lennon, Weinberg); Mari Lyons's panoramic views of New York's Upper West Side, in which simplification and exaggeration become the artist's way of making the city her own (at the First Street Gallery); Jeremy Blake's meditation on Swingin' London, *Reading Ossie Clark*, a DVD full of lustrous imagery and rhythmic ingenuity that brings to mind the most exciting experimental films of the 1950s and 1960s (at Feigen Contemporary); and Gael Mooney's delicately painted, prismatically colored impressions of the interior of the Basilica of Saint-Denis in Paris (at the Bowery Gallery).

Westfall, Lyons, Blake, and Mooney all have "issues" with the modern orthodoxy. Each of these artists, by taking an interest in metaphor or narrative or naturalistic allusion, questions the modern idea that all feeling resides in the form. And yet such questions are themselves part of an old modern controversy about the limits of orthodoxy, an argument that even Mondrian, the supreme master of nonrepresentational expression, posed with the intricate metaphorical implications of his last completed painting, *Broadway Boogie Woogie*. The trouble comes not when orthodoxy is controversial or embattled, but when the orthodoxies are stomped out or discounted—and that is where we are today.

I wonder if there is any longer a chance of rescuing the serious critique of modernism from a postmodernism that hides its cynicism beneath a veneer of

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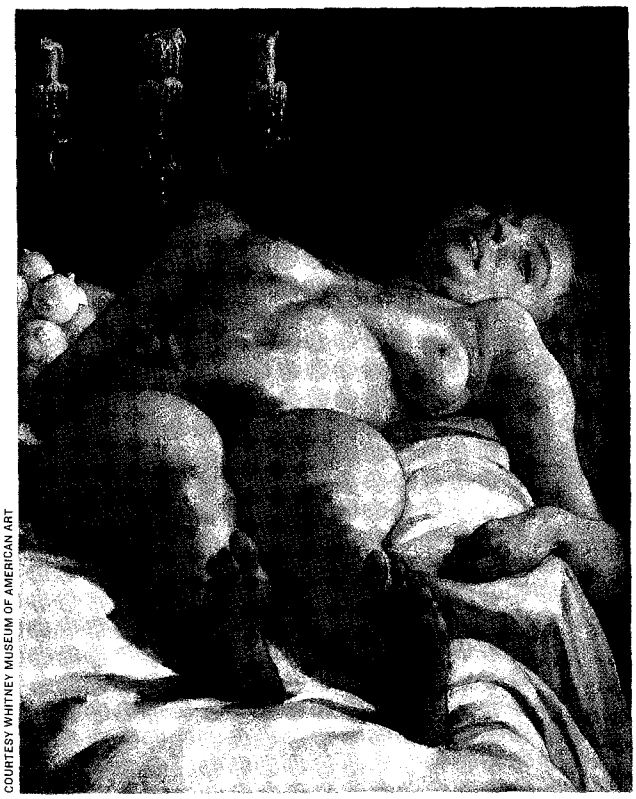
traditionalist good manners, as in Currin's work. It is all too easy to mock the idea that formal values could ever have been the be-all-and-end-all that Clive Bell, a founder of modernism, believed them to be when he made famous the term "significant form." After all, when we look at one of the greatest portraits by Ingres, we are aware that no matter how much the painting's power depends on the expressive perfection of Ingres's shapes, that power also has something to do with the woman's smile and the luxuriousness of her dress—and yet the notion of significant form takes us a good deal of the way toward an understanding of Ingres's portraits. When we argue with the limitations of significant form, we are also acknowledging its strength. Nearly all the modern masters would have agreed. When Matisse, that prophet of flat color, painted some of the most beautifully sculptural figures in the Western tradition, he proved that an impassioned pursuit of orthodoxy is precisely what makes heterodox experience possible. He demonstrated the open-endedness of true belief.

In the 1960s and 1970s, when John Currin was just a kid, the modernist orthodoxy was already losing its granitic power, and yet it could still have the richness of a grand, lofty vision, a fortified city more complex and more ambiguous than many who were standing guard would have had us believe. If you kept your eyes open back then, you could see that there was an argument with modernism that burst out of modern belief itself. That argument continues today, though it barely registers in the galleries and the museums where artists such as Currin ply their wares. Back then there were many people who wanted to see more of the nudes and the interiors that Matisse did in Nice in the 1920s, of Marquet's landscapes, of Braque's late studio paintings, of Masson's intricate phantasmagorias, of the rigorous elegance of geometric abstractions by Ilya Bolotowsky and Burgoyne Diller, of anything by Balthus. Those works represented aspects of modern art that did not fall within the various definitions of modernism that were marshaled to explain Abstract Expressionism and Pop Art, but they were nevertheless the works of supremely modern artists, artists who plainly knew far more about color, shape, and touch than the Color Field painters whom Clement Greenberg was pushing. Those of us who howled at Greenberg's parochialism and haughtiness were not so much trying to storm the fortified city of modernism as we were anxious to get inside and open up some sealed rooms and see some new perspectives. We wanted to complicate the significance of significant form, not to eliminate it.



COURTESY WHITNEY MUSEUM OF AMERICAN ART

JOHN CURRIN, *Nude on a Table*, 2001

I will never forget the warnings of Leland Bell, a formidable painter of the figure and a mesmerizing lecturer on the art of Corot and Derain and Dufy. Bell was an unsparing critic of the violent anti-modernism that was already circulating under the guise of a revival of traditional values. Bell insisted that artists were repeating the old mistakes when they undervalued abstract form because it had sometimes been over-valued by the modernist orthodoxy. They were throwing the baby out with the bathwater. What has happened in more recent years is that the bathtub itself has been smashed to smithereens. What we are living with is not the courage of artists who fight orthodoxy, but the blithe opportunism of artists who do not know what those fights are about. For the arguments over the orthodoxies—the arguments about modernism, about classicism, about romanticism, all of which in some sense are still going on—are always about something even bigger, which is the value of art itself.

III.

FOR THE RELATIVELY small audience that has reacted to the Currin show with horror, the interesting question is not why Currin's paintings are so bad but why he is so successful. His celebrity represents the latest triumph of an art-world mafia that trumps taste not by confronting it directly but by treating it as beneath contempt, or by standing it on its head. We were already deep into this topsy-turvy world a few years ago when the critic Dave Hickey subjected Norman Rockwell's *Saturday Evening Post* covers, with their competent, humdrum compositions, to a full-dress analysis of geometric pressures and counter-pressures. Such analysis is a purely academic exercise unless it is being applied to the elusive structural imperatives of a painting by Poussin or Cézanne.

This past fall, when the Philip Guston retrospective reached the Metropolitan, topsy-turvydom was the order of the day, for Guston's cartoon-inspired later work, which you might have imagined was ripe for some sort of critical evaluation, was presented as if everybody understood that these gimmicky works had the emotional power of late Rembrandt. I know that people of taste have made a strong case for Guston's scabrous account of twentieth-century America—it's a grizzled harlequinade full of hooded Ku Klux Klanners and hairy-armed Nowhere Men and empty horizons. What disturbs me is that nobody any longer wants to grapple with the startling disjunction between these self-consciously coarse-grained works and the rosy-hued abstract canvases that Guston painted in the 1950s,

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which remain the most instinctively delicate compositions ever to emerge from the studio of an American. I can see why the man who had painted canvases that have the muted intricacy of harpsichord sonatas might later aim for something blunt and anti-atmospheric. Artists like to try different things. And it was the difference that made Guston's new figurative works so enormously controversial when they began to be shown around 1970. The trouble is that very few people now notice the difference.

What is involved in the critical response to Philip Guston and Norman Rockwell and John Currin is not a healthy playfulness about values but a wholesale derangement of values. Art writing has been so perversely clever for so long that some of the people who are banging this stuff out on their laptops may no longer recognize their own jokes. When an earnest critic in *Time* announced, about the Currin retrospective, that "almost three decades after the death of Fairfield Porter, we could use a decent genre painter again," I felt assaulted from several sides at once, because Porter is so much more than decent and Currin is so much less, and because so many immensely interesting artists have been working with the figure for the past thirty years, year in and year out. Currin floats upward in an atmosphere of critical unreality.

WHILE THE REASONS FOR Currin's ascent are no doubt complex, we should not underestimate the brute power of money in all of this. In the middle of the Currin retrospective's run at the Whitney, *The New York Times* printed a story on the front page of the Arts section, above the fold, with the momentous news that Currin was leaving his longtime dealer Andrea Rosen, a highly respected figure in Chelsea, for the Gagosian Gallery, a decisive force in the art market. Paintings by Currin, it was reported, had already traded for something like five hundred thousand dollars; where things could go from there was anybody's guess.

Now this is certainly not the first time in history that there has been a wildly inflated market for meretricious art. The sums that smarmy academics such as Bouguereau and Bastien-Lepage received for their paintings in the nineteenth century can still stand your hair on end. And that inflated market helped to create the oppressive conditions under which so much of the early avant-garde toiled, conditions about which Zola wrote so memorably in *The Masterpiece*. The dealers and the collectors who have shaped the careers of Gerhard Richter and John Currin are having a similarly deleterious effect on the art world today. When collectors invest hundreds of thousands, and even millions, of dollars in an inherently unpredictable commodity such as contemporary art, there is no way that these investors—who are often also museum trustees, and major contributors to arts organizations, and the moneybags behind the hot dinner parties—are not going to do everything in their power to see that museum directors and curators and magazine editors and critics help them make good on those investments. This is how the system works today. Among the small group of movers and shakers who really decide who's up and who's down, the positive reviews that Currin has received from Peter Schjeldahl and Michael Kimmelman are important insofar as they protect certain people's investments.

I have heard first-rate painters exclaim in wonder and in despair that if somebody would only start paying five hundred thousand dollars for their paintings, they would gladly accept. And why shouldn't the best painters be getting those prices? How could anybody who is not hopelessly cynical imagine that the big money people have unerringly bad taste? The thought is too paranoid to appear credible. Wouldn't anybody rather buy a future Cézanne than a future Bouguereau? It is a better investment, if nothing else.

These are perfectly good questions. And the closest thing to an answer that I can offer is based on empirical observation. While more and more out-and-out mediocrities, such as Richter and Currin, rise to the top of the heap, nearly all the best contemporary artists remain unknown in the wider world, including painters such as Bill Jensen and Joan Snyder, who have exhibited at blue-chip galleries and therefore at least in theory have access to big-time collectors. So I have been forced to conclude that money generally likes mediocrity. Perhaps the self-satisfied vacuity of artists such as Richter and Currin feels familiar to the Wall Street wizards and the Hollywood producers who buy half-a-million-dollar paintings in their spare time. I can find no other way of explaining why certain people find it perfectly logical that a John Currin is worth five hundred thousand dollars, while the very same art world smarties were sent into peals of laughter a few years ago when galleries in London and New York had a price tag of a few million dollars on Balthus's last masterpiece, *A Midsummer Night's Dream*, a painting that will come to be loved the way the nudes of Correggio and Titian are loved today.

TO SOME, THIS ACCOUNT OF THE art world will sound like the rant of a crackpot Marxist aesthete, but I swear it is the sober truth. The art world is overrun with collectors who care no more about art than the people who ran Enron cared about corporate America. Conservatives may be tempted to argue that what many of us regard as one of the triumphs of democratic experience, namely the increasing availability of high culture, has finally precipitated a new kind of cultural demagoguery, and certainly the triumph of motorcycles and Armani at the Guggenheim Museum suggests what a new kind of art world money, fueled by a marketing exec's bottom-up mentality, can do to serious art. I am not convinced that even a decade or two ago a stronger response to the art-and-money synergy would have made much of a difference, and by now it is certain that the people who are behind Currin and his kind are firmly in control. The critics and the curators who have staked their reputations on the sophisticated fun involved in believing in nothing have much to answer for when it comes to explaining why the irrationalism of the art market mirrors the madness of the NASDAQ. By now even a principled Dadaist can look like a dangerously orthodox fellow, because he actually believes in something. Currin, by contrast, is the big collector's perfect boy toy.

Many critics and many artists are amused, of course, by the idea that the art market now runs the art world. For those who were always uncomfortable with art's transcendent possibilities, the spectacle of artists being brought to their knees by collectors with oversized checkbooks can be a relief, because it represents the obliteration of the artist's romantic aspirations, aspirations that were always an essential element of the modernist faith. At the Getty Center in Los Angeles, where the scholarly programs are frequently a bellwether of

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art world thinking, the research theme for 2003–2004 is "Markets and Value," and an exhibition called "The Business of Art: Evidence from the Art Market" opens in March.

While the study of taste is an old and fascinating and worthwhile subject, at the Getty the history of taste may be shaping up as yet another way of denying art its primary stand-alone value. Thomas Crow, the director of the Research Institute, has observed of the "Markets and Value" theme that "the creation of art is a multilayered process and it is important to see all sides—the creative process alongside patterns of reception and dissemination." These words demand close study, for they help to explain the mindset that has accompanied the ascent of John Currin. The idea that there is a parallelism or an equivalence between the creative process and "patterns of reception and dissemination" must be rejected at all costs, for this idea elevates the collector who pays half a million for a painting to an importance that rivals that of the artist in the studio who paints the painting.

When the art market becomes a subject that can be discussed in the same breath as art itself, we have crossed a line that should never have been crossed. Soon enough the belief systems by which art lives and dies—whether they are modernist or romantic or classical or some combination of these—have become mere marketing strategies, gambits in a game of reception and dissemination. The finest art history and art criticism, in spite of all its necessarily complex scholarly and theoretical mechanics, has always represented a struggle to account for art's shocking, preemptory potency. Much of what passes for top-notch art writing today is characterized by a frenetic complication of what is at heart daringly simple, and all the talk about reception and dissemination is mostly a way of imprisoning art, of denying art its unruly power. It has become nearly impossible to persuade people that the great visions in art, no matter how difficult they may be to express or to comprehend, are always fundamentally simple.

A few weeks ago, as part of the celebrations of the centenary of Balanchine's birth, PBS re-broadcast a 1984 special about the choreographer, and the footage of Balanchine and Stravinsky discussing dance and music brought back to me the blunt eloquence of the essential modern ideas. Music has no subject other than music, Stravinsky said, and it was left at that, even though we knew full well that he had composed *The Rake's Progress*, an opera in which music serves much more than music. As for Balanchine, he insisted that dance is only about dance, and then, without skipping a beat, allowed the possibility of a narrative, because once a man and a woman are dancing together, he observed, there is something more, a story, the beginning of a love story. So here was the modern orthodoxy, the idea that art is about the purity of art, presented in a few words and then beautifully complicated with a few more words.

THE TASTE FOR TRASH—FOR the everyday, for the overlooked or rejected or forgotten—was always an aspect of the great modernist dream. Both Stravinsky and Balanchine were acute students of the popular arts, as was Picasso. You might say that for the moderns the idea of trash—of the formally flawed and the brazenly sentimental—was purity's doppelgänger. Trash can be a rousing artistic provocation or complication, but only for the artist who approaches it with a sense of the inviolable nature of art. When Sabine Folie announces that "trash has become a transcendental necessity," she has pitted trash against art, and thereby robbed art of its value. For people whose memories go back a generation, this question of the artistic meaning of trash may bring to mind Pauline Kael's essay "Art, Trash, and the Movies." But we must be precise: Kael's point there, which was that "trash has given us an appetite for art," has nothing to do with Folie's bottom-up authoritarianism. When Kael spoke about the unruly excitement of some messy, powerful movies, she was using the idea of trash as a new way of expressing a fundamentally romantic sense of the animating essence of artistic experience, and this has nothing to do with the garbage-dump Parnassus that Folie imagines, any more than Fairfield Porter's sly rendering of the lettering on a cereal box has anything to do with the motifs that John Currin borrows from photographs in *Cosmopolitan* magazine.

Museumgoers have been treated like zombies for so long that by now many of them have given up and are inclined to check even their most cherished assumptions at the door along with their coats. This go-along-to-get-along attitude prepares the way for Currin. Since nobody is sure what he thinks or feels, he can seem to be as hopelessly uncertain as the people who have come to see his paintings at the Whitney. For some visitors, the Currin retrospective may create the illusion that the artist and his audience are getting together to assess our sick society, with its blow-dried matrons and giggly suburbanites, but of course the playing field at the Whitney is anything but level, because Currin is making a fortune by mocking the very people who have paid the price of admission. With Currin, the taste for trash is a kind of free-floating prurience that embraces fashion magazine photography, afternoon soap opera sentimentality, the va-va-voom proportions of Vargas girls pinups, the slick graphic tricks promoted by mail-order learn-to-draw programs, the sensuous tug of pictorial illusionism, the pretensions of the art audience, and the overloaded emotionalism of old master paintings. What the sophisticated audience knows about art—that it can be abstract or representational, that it can be sincere or ironic, that the old masters can be made modern, that the art market is itself a

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form of art—becomes a series of talking points that give Currin and his sour eclecticism a dizzying aura of significance. "Trash," Sabine Folie remarks, "hangs over our heads like a sword of Damocles." But the truth is far worse. The sword has fallen. And the mayhem is almost indescribable. John Currin, with his studiously inept mix of Cranach and the Cosmo girl, is "meta-trash" triumphant. ■

Harvey Klehr
Devils in America

REDS: MCCARTHYISM IN TWENTIETH-CENTURY AMERICA
By Ted Morgan
(Random House, 685 pp., $35)

NEARLY FIFTY YEARS AGO the United States Senate voted to censure Senator Joseph McCarthy. Within three years of his disgrace, McCarthy was dead, his health destroyed by heavy drinking. His time in the limelight had been brief. In February 1950, the heretofore obscure first-term senator from Wisconsin had catapulted himself onto the national stage with an angry speech in Wheeling, West Virginia charging that the Truman administration had tolerated the presence of dozens of communists in the Department of State. He quickly became a staple on the front pages of American newspapers with his accusations of numerous covert communists undermining American policies and institutions, going so far as to link such prominent Americans as Dean Acheson and George Marshall to "a conspiracy so immense" as to threaten the integrity of the American political system. By 1954, his own Senate colleagues, acting with the covert acquiescence of both President Eisenhower and Vice President Nixon, had repudiated him.

The political movement to which McCarthy gave his name did not survive his political repudiation. By the mid-1950s, the fervent anti-communism that he symbolized was already fading. The world communist movement, shaken by the struggles for the Soviet succession after Stalin's death, fell into crisis after the Soviet invasion of Hungary, the revelations of Soviet anti-Semitism, and Khrushchev's secret speech admitting Stalin's crimes. At home, in a series of important decisions, the Supreme Court limited the scope of the congressional investigations on which McCarthy had thrived and gutted congressional legislation used to prosecute and to persecute American communists. By the end of the 1950s, in sum, the communist issue, for years one of the most urgent and inflammatory features of American politics, no longer had much traction.

But the term "McCarthyism" has had a far longer afterlife. Leftists have used it to demonize any criticism of communists. Certain historians have blamed McCarthyism for every evil in modern American life, from lousy movies to the slow development of the civil rights movement, and labeled all varieties of anti-communism as species of McCarthyism. The first version of the National Standards for History for high school students, released in 1994, mentions McCarthy and McCarthyism twenty times, lavishing more attention on him than any other politician in recent American history and suggesting that the entire anti-communist movement was guilty of violating fundamental American values.

Material emerging from both Russian and American archives after 1991 emboldened some conservatives to attempt to rehabilitate McCarthy. Not only were Alger Hiss and Julius Rosenberg indeed guilty as charged of providing aid to the Soviet Union, but also hundreds of Americans had collaborated with Soviet intelligence agencies, lending credence to McCarthy's charges of a vast subversive conspiracy. In 2000, Arthur Herman produced the first avowedly sympathetic biography in decades, and Ann Coulter's crass apologia for McCarthy, in an aptly McCarthyite spirit called *Treason*, became a best-seller last year, charging that "crying 'McCarthyism' is the coward's version of fatwa" and that liberals had engaged in "a bellicose campaign of lies to blacken McCarthy's name."

Many of the recent defenders of McCarthy have emphasized the extent of Soviet espionage directed against the United States while minimizing how ineffective and counter-productive his investigations of it were. McCarthy's critics have denied or minimized the threat of communist subversion while highlighting his abusive, scurrilous, and often wrongheaded charges. Ted Morgan manages to avoid the errors of both camps, properly characterizing the senator's activities as "an exaggerated reaction to a real threat." McCarthyism was no reign of terror, Morgan believes, but "a series of scattered outbreaks" that targeted, often with poor aim, a political movement that was itself a pathology of democratic society. The Communist Party of the United States of America (CPUSA) had a long history of serving as a front for Soviet espionage. Although the vast majority of American communists were not spies, several hundred communists did cooperate with the NKVD and the GRU with the acquiescence of the Party's leadership.

The author of previous books on intelligence and on Jay Lovestone, the one-time leader of the American Communist Party, Morgan is splendidly equipped to assess both the danger to American security posed by Soviet spies and the danger to American liberties posed by McCarthy. His new book is measured and thoughtful, when it sticks to its theme. But frequent sallies into tangential issues and topics weaken its force, and Morgan's surprisingly immoderate conclusions undercut his own arguments about McCarthy.

JOSEPH MCCARTHY DOES NOT MAKE an appearance in this very long book until page 325. Instead Morgan begins with the Bolshevik Revolution in 1917 and meanders through chapters on Lenin's ties to the German government, American intervention in the Russian Civil War, and Herbert Hoover's mission to feed famine-stricken Russia in the early 1920s. While there is a kernel of relevance to these discussions (Morgan argues that the Cold War really began in 1919 and that the United States and the Soviet Union engaged in

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more than seventy years of open and concealed conflict), they could have been greatly condensed. Still, it is useful to be reminded that anti-communists sometimes fell for forged documents or that naïve liberals sometimes sugar-coated communist atrocities long before McCarthy got involved in the anti-communist cause.

More germane to Morgan's argument is his demonstration that the American government's repression of radicalism was often a response to a real threat of subversion. The first "Red Scare" was prompted by left-wing violence. A group of Italian anarchists, led by Luigi Galleani, launched a terrorist campaign in 1914. In 1919 more than thirty bombs targeted opponents of radicalism including Justice Oliver Wendell Holmes, John Rockefeller, Attorney General A. Mitchell Palmer, and a variety of United States Senators. The newly organized communist parties created underground wings and issued blood-curdling threats about overthrowing the government. Outraged citizens demanded the deportation of radicals "in ships of stone with sails of lead, with the wrath of God for a breeze and with hell for their first port." State and congressional committees launched investigations, and Palmer and a young Justice Department employee named J. Edgar Hoover inaugurated a round-up of radicals in 1919–1920 that swept up no less than ten thousand people, with 3,500 held as deportable aliens. Morgan notes that, as in the McCarthy era, there was a genuine threat—thirty-five people had been killed and two hundred people had been injured by terrorist bombs, and the nascent communist movement had thirty-four thousand nominal members committed to overthrowing the government; but Palmer's blunderbuss response certainly violated civil liberties, failed to target many of the most important perpetrators, and discredited his cause.

While the chastened FBI under Hoover curtailed its surveillance of radicals in the 1920s, the Communist International, headquartered in Moscow, embarked on a long-term plan to subvert America, setting up clandestine networks that transmitted money to finance the CPUSA, and using such agencies as Amtorg and the Russian Red Cross to facilitate espionage and the illegal transfer of American technology. Following American recognition of the Soviet Union in 1933, the Soviets quickly violated several of the conditions to which they had agreed and began extensive use of the CPUSA as an instrument of espionage. In the late 1930s the Ware Group, for which Whittaker Chambers served as a courier, transmitted material from numerous government departments to Moscow with scarcely a concern for the FBI. Liberals such as Lawrence Duggan, a high-ranking State Department employee, and Deputy Secretary of the Treasury Harry Dexter White, romantic pro-communists such as Noel Field, covert Soviet admirers such as Alger Hiss, and crooks such as Congressman Samuel Dickstein (the prime mover behind the formation of a special committee to investigate "un-American activities") all blithely aided Soviet intelligence.

At the end of the 1930s, during which American communists became cheerleaders for the New Deal, the Popular Front eased these spies' consciences by making it appear that American and Soviet interests were congruent. Similarly, the hundreds of Americans who spied for the Soviet Union during World War II could rationalize their behavior by pretending that they were only helping a deserving ally. While the Dies Committee, like many congressional investigations of communism (including McCarthy's) did uncover some significant data, its penchant for wackiness and extremism, giving publicity to cranks and alarmists, led the Roosevelt administration to ignore the significance of some of its findings: that lots of government employees, including several later unmasked as spies, were active in Communist-controlled organizations.

The Roosevelt administration had first authorized domestic surveillance of radicals in 1936, but such efforts were largely ineffective and sporadic until after World War II. Morgan calls Soviet espionage during the war "without historical precedent. Never did one country steal so many political, diplomatic, scientific and military secrets from another." Although the most spectacular feat of Soviet intelligence was to pilfer the scientific secrets of the atomic bomb, hundreds of Americans working for Soviet intelligence also turned over important details on virtually every American secret, ranging from proximity fuses and radar to diplomatic cables and war production figures. A killer such as Roland Abbiat, who had murdered the Soviet defector Ignace Reiss in Switzerland in 1937, based himself in New York under the cover of a *Pravda* correspondent by the name of Vladimir Pravdin and befriended American journalists such as Walter Lippmann and I. F. Stone while supervising a stable of spies. Communist subversion, Morgan concludes, was a real threat to American security.

WHILE IT IS A USEFUL AND well-written summary of what has been learned about Soviet espionage in the last decade, *Reds* adds little new to what has already been revealed. Morgan has unearthed additional details from FBI reports in the Truman Library about J. Robert Oppenheimer's communist contacts in the years before he moved to Los Alamos to direct the Manhattan Project. His conclusion that Oppenheimer kept his distance from communists once he became privy to secret information, but ran into trouble because he lied to security agents to cover up his past activities, is congruent with Gregg Herken's argument in *Brotherhood of the Bomb*. Morgan occasionally stumbles into minor factual errors, and he has an annoying habit of calling Elizabeth Bentley "Liz," despite the fact that no one referred to her in that manner. More seriously, his footnoting apparatus makes it impossible to be sure about his sources. Citations are only loosely related to specific paragraphs in the text and direct the reader not to specific documents but to such sources as "Hoover memo, Truman Library."

One of the virtues of Morgan's book is his reminder that McCarthy was a latecomer to the anti-communist cause. He was able to exploit the issue because Harry Truman, far more suspicious of Stalin's intentions than Roosevelt, was also ambivalent about dealing with communist subversion, an issue that threatened to embarrass Democrats and liberals who had once welcomed communists as allies. After Republican gains in the election of 1946, Truman decided that he had to respond to public concerns. Although the loyalty-security program that he created in 1947 did purge a few hundred suspected communists from federal employment rolls, Truman was publicly dismissive about the seriousness of Soviet espion-

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age, calling it a "spy scare" and a "red herring," claiming HUAC hearings into espionage served "no useful purpose," and allowing his aides to try to impeach the credibility of Whittaker Chambers and Elizabeth Bentley. He authorized the prosecution of communist leaders under the Smith Act in part to insulate himself from Republican charges that the Democrats were soft on communism.

Whatever his reservations, however, Truman's policies eviscerated the communist movement. Reluctant as his administration had been to credit Chambers, it won a conviction against Alger Hiss, and convicted the Rosenbergs, and drove communists out of the Democratic Party, and supported Philip Murray's campaign to expel them from their important strongholds in the CIO. As Morgan notes, the Communist Party assisted in its own self-destruction, pushing Henry Wallace to run for president, opposing American efforts to rebuild Europe, and deciding to go "underground" after the Supreme Court upheld the constitutionality of the Smith Act. All this before McCarthy discovered anti-communism. McCarthy arrived on the anti-communist battlefield, Morgan argues, "after the battle was over to finish off the wounded."

McCarthy was elected to the Senate in 1946, but he was unknown to most Americans until he gave his infamous speech to a Republican Lincoln Day gathering in Wheeling in February 1950. His first four years in the Senate had not produced any significant legislation; he was best known for attempting to end sugar rationing to benefit the Pepsi-Cola company and for a bizarre crusade to prove that Nazi SS men convicted of murdering American POWs at Malmédy had been unjustly convicted. McCarthy had little knowledge of communism or interest in subversion before deciding that he needed a defining issue for his upcoming re-election bid.

Just before his Wheeling speech a series of events had convinced Americans that the war with communism had entered a new and more dangerous phase: Mao's forces seized control of China, President Truman announced that the Soviet Union had exploded an atomic bomb and soon revealed that America would work on a hydrogen bomb. Meanwhile Alger Hiss was convicted of lying about his past espionage and the British announced that Klaus Fuchs had confessed to atomic espionage. Confirmation that there had been Soviet spies at Los Alamos and in the State Department left the Democratic administration vulnerable to charges that security had been lax. While Secretary of State Dean Acheson's comment that he would not turn his back on Alger Hiss reflected his Christian sense of charity, it also suggested an indifference to subversion. When the Senate's Tydings Committee investigated McCarthy's Wheeling charges, it was so anxious to expose him as a blustering liar that it whitewashed an earlier spy case involving pro-communist editors at Amerasia magazine and State Department employees John Stewart Service and Emmanuel Larsen, giving further credence to McCarthy's charges that the Truman administration and Democrats were at best indifferent to communist subversion and at worst riddled with traitors.

Morgan's summary of McCarthy's early career reinforces, again at tedious length, McCarthy's willingness to exaggerate, lie, and bully in pursuit of his career. (He recounts far more about McCarthy's judicial activities in Wisconsin divorce cases than anyone will care to hear.) McCarthy was congenitally incapable of distinguishing among Soviet spies, Communist Party members, communist sympathizers, and liberal dupes. He also was unable to understand that there were plenty of anti-communists (including some people who had once been communists or sympathizers themselves) who simultaneously opposed both communism and McCarthyism. McCarthy had a habit of pillorying people such as James Wechsler or Theodore Kaghan, once close to the CPUSA but by the 1950s ardent anti-communists, with the same fury with which he questioned Cedric Belfrage, a British subject whose important service for the KGB was later revealed in the Venona transcripts. McCarthy's increasingly frenetic charges—by the end of his campaign he was focusing on how an Army dentist could receive an ordinary promotion as he left the service—blurred the important distinctions that needed to be made about communist subversion and eventually led him to grief.

Morgan demonstrates that McCarthy did question and expose a handful of genuine security threats. Not all of McCarthy's victims were blameless; some people lost their jobs and others were unjustly accused, but not all those who resisted the senator were moral exemplars. Some people who took the Fifth Amendment rather than testify about their pasts were "cowards afraid of admitting their allegiance" and some who named names were doing their patriotic duty. But Morgan also notes that others who cooperated with McCarthy were unattractive opportunists, particularly Harvey Matusow, an ex-communist turned informer turned anti-McCarthyite who changed his story so often that it became hard to know when he was telling the truth and when he was lying.

McCarthy's downfall was precipitated by his attack on the United States Army. With his usual recklessness, the senator called General Ralph Zwicker, a decorated war hero, a disgrace to his uniform, shocking even some of McCarthy's fervent supporters. Already exercised about alleged Army indifference to communist subversion, McCarthy and his chief assistant, Roy Cohn, pressured and browbeat Army officers to obtain special privileges for Cohn's sidekick David Schine, who had been drafted, leading to a hearing to sort out the charges and counter-charges of improper influence. The Army-McCarthy hearings, the first congressional proceedings to appear on television, exposed to the whole nation McCarthy's bullying and frequent resort to innuendo and exaggeration. Joseph Welch, the Army's lawyer, delivered the coup de grâce with his famous rhetorical question about the senator's lack of decency. The very recklessness that had served him so well in his ascent sealed his doom. A Republican president helped to orchestrate his censure, the Senate rebuked him, and a series of Supreme Court decisions by the end of the 1950s dismantled the legal rationales that had allowed congressional investigators to expose individuals' communist backgrounds merely for the sake of exposure, permitted the firing of government employees in non-sensitive agencies, and allowed the prosecution of Communist Party officials under the Smith Act.

Had Morgan ended his book with McCarthy's downfall, it would have been a useful corrective to the hysterical accounts of a McCarthyite reign of terror and the equally blustering defenses of a thug and a liar. Instead, Morgan suddenly redefines McCarthyism at the end of *Reds* as "the use of false information in the irrational pursuit of a fictitious ene-

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my," as if he had not just written a few hundred pages about communist spies and subversion. He then draws a direct line between McCarthy and Richard Nixon's plumbers, Ronald Reagan, and George W. Bush, and the war in Iraq, even though the premise of his entire book is that McCarthyism was a response to the very real and specific issue of communism and the particular dangers that it presented. Morgan asserts, with dubious analogies, that in the aftermath of September 11, a "McCarthyite strain in American political life reemerged with a vengeance—the politics of fear, the politics of insult and the politics of deceit."

A far more fitting conclusion to his otherwise valuable book would have been an examination of why and how the charging of your political opponents with McCarthyism has become a useful ploy in American political life. Wesley Clark recently accused his former superior, General Hugh Shelton, of McCarthyism for suggesting that he would not support Clark owing to his doubts about Clark's character. Anti-smoking activists, anti-pornography crusaders, supporters of campus speech codes, and critics of Bill Clinton's sexual behavior have all been labeled McCarthyites in recent years. This part of McCarthy's legacy has far overshadowed the fact, amply documented in *Reds*, that, vile as his methods were, he was right about a significant threat to American life. ■

Dan Halpern
Shadowlines

THE NOONDAY CEMETERY AND OTHER STORIES
By Gustaw Herling
Translated by Bill Johnston
(New Directions, 281 pp., $25.95)

IN 1953, WITOLD GOMBROWICZ, the great punk of Polish literature, began publishing a diary in the émigré journal *Kultura*, hoping that it would make him rich and famous. The diary, written in desperation, was to become perhaps Gombrowicz's most celebrated work. It opens:

> Monday: Me.
> Tuesday: Me.
> Wednesday: Me.
> Thursday: Me.

Friday is concerned with the state of Polish newspapers.

Before the war, Gombrowicz's scabrous satire *Ferdydurke* had infuriated the Polish intelligentsia, acquiring for him the sort of attention reserved for the enfant terrible who is frightening and intoxicating not for stupid behavior in bars, but for the sort of aesthetic leap that terrorizes culture mandarins. But instead of settling in for a lifetime of being lionized in Warsaw cafés by the new generation of Polish literati, Gombrowicz became a pioneer in what was to become a common habit of Eastern European intellectuals: exile. He got himself onto a boat bound for Buenos Aires in August 1939, and upon arriving found himself marooned there, initially by Hitler and subsequently by Stalin. He spent twenty-three years in Argentina, mostly miserable and poverty-stricken, his work banned in his home country. He never returned to Poland.

Almost twenty years later, shortly after Gombrowicz's death, Gustaw Herling, another Polish exile, began his own diary in *Kultura*, written from Naples and published eventually as *Journal Written at Night*. (A volume of selections in English was published in 1996 under the title *Volcano and Miracle*.) Herling begins with a half-page quotation from the Italian philosopher Benedetto Croce's memoirs, describing an earthquake in Ischia in 1883. This opening is just as telling as Gombrowicz's. Gombrowicz was a titanic talent and a titanic personality, and he knew it; he wanted to make absolutely certain his readers knew it, and to make sure they knew that he knew. He is always everywhere in the writing. Herling's choice, seemingly to deflect attention from himself, is similarly typical: though he begins his own diary with a half-page of someone else's writing, he is himself just underneath the text. This style—seemingly impersonal, but with the very personal just below the surface—was Herling's hallmark. Throughout his career, he consistently let the reader know he was there, somewhere behind the text, around it, within it, but almost always hidden by shadow.

All but one of the twelve narrators in *The Noonday Cemetery*, a collection of stories written between 1983 and 1996, resemble Herling to varying degrees, and in each of those eleven stories the narrator frames the story and then recedes. In the title story, he offers two epigraphs at the outset, each of which might serve as an explanation. Here is the first, from Pascal:

> Certain authors, when they speak of their works, say "My book, my commentary, my history, etc." . . . They would do better to say: "our book, our commentary, our history, etc.," seeing that usually there is more of other people's work than their own therein.

The second is from Valéry:

> The dead concealed lie easy in this earth
> That keeps them warm, drying their mystery.
> And Noon up there, Noon the motionless . . .

Perhaps Herling is simply explaining his aesthetic choice by asserting his belief in the essential collective human contributions to one man's art; or maybe he is making his choice based on a sense of moral responsibility to those who cannot testify on their own behalf. But another epigraph might have been equally appropriate, this one from Akhmatova's "Poem Without a Hero":

> There, behind the barbed wire,
> In the very heart of the dense taiga
> They take my shadow for questioning.

BORN IN 1919 IN KIELCE, IN central Poland, Herling died in 2000, a hero in his native country and considered by many to be Poland's leading prose writer. He was a university student in Warsaw when Hitler's troops marched across the border, and had just begun publishing reviews and essays, which earned him a place among Gombrowicz's crew at the

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Café Zodiak, an acolyte at the master's table. Herling became one of the founders of the first underground resistance movement against the Nazis, and he was captured in 1940 by the NKVD. He was tried first as a "Polish officer in the pay of the enemy"—that is, the Germans—and then, when that failed to stick, as an enemy of the Soviet state, precisely because he had wanted to fight the Germans. Since Hitler had yet to break the German-Soviet pact of friendship, this was good enough to sentence Herling to five years of forced labor in the gulag as an enemy of the Soviet Union.

The two years that Herling spent in prison and then in a forced labor camp near Archangel are the subject of his first book, the memoir *A World Apart*. Even in this memoir of terrible privation and dehumanizing pain, Herling seems much more concerned with documenting the lives of the people around him than with his own experience. The English edition of the book was published in 1951, long before Alexander Solzhenitsyn or Varlam Shalamov saw their testimonies of the Soviet gulag in print. Despite pleas to the public on its behalf from Bertrand Russell and Albert Camus, the book was largely ignored, and, when not ignored, attacked or disbelieved.

Herling was freed in 1942, after the Polish-Russian truce was reached, and joined a division of the Polish army as a radioman, leaving Russia for combat in the Middle East and in Italy. After the war he helped to found *Kultura*, in Rome, and co-edited its first two issues. With his first wife, the painter Krystyna Stojanowska, he moved to London. In 1952, she committed suicide, and Herling left the city for Germany, directing the cultural section of Radio Free Europe from Munich. After marrying Lidia Croce, Benedetto Croce's daughter, in 1955, he returned to Italy and settled in Naples for good, unable to return to Communist Poland.

Over the next thirty-five years, Herling's writings were published throughout Western Europe but banned in his home country. In the United States, he is best known for the three novellas that make up *The Island* (published separately, in Polish, between 1960 and 1963 in France, and in this country in 1993). But the work of his that had by far the greatest impact in Poland was the *Journal Written at Night*, which appeared in smuggled editions. The entries range in subject from Shakespeare to the Soviet system to a tour of Umbria, sometimes directly touching upon the terrible crimes of the Soviet system, but often concerned with more general calamities of the human condition. In Akhmatova's words, Herling's shadow had been taken for questioning; thereafter, standing outside the borders of his homeland, it pursued a softly voiced but persistent inquiry of its own.

In their form, the stories that make up *The Noonday Cemetery* have a certain nineteenth-century sensibility, though in content they are surely infected by a dose of twentieth-century knowingness and despair. The two writers for whom Herling seems to feel the most affinity are Henry James and Edgar Allen Poe, who provide models both for his formal strategies and for some of his deeper obsessions. On the surface, he tends more toward the sophisticated subtlety of the former, but beneath the layers of removal there is something reminiscent of James's description of Poe's readers as stuck in a "decidedly primitive stage of reflection." One of Herling's narrators (who so resembles his author that he quotes from his own *Journal Written at Night*) mentions that his friends jokingly refer to his "Poemania"; his admiration for "The Fall of the House of Usher," he confesses, is "instinctive, and not based on any analysis of the work."

It is this tension that often makes the stories so powerful: the urbane distance of Herling's style is a smooth skin over an agonized, primitive body. It is an ordered system imposed on something dark and chaotic, and ultimately inexplicable. In "The Height of Summer," Herling chronicles the investigation of nine suicides over the night of the Ferragosto—the height of summer, August 15—in Rome in 1995. His tone is clinical, but the list of tragedies of loneliness and love grows wilder and more terrible underneath the evenness of his narration.

In "Notebook of William Moulding, Pensioner," he reads through the notes of a retired London executioner, who changes his name and hides himself from humanity as he agonizes in retirement over his inability to remember any of the faces of the men and women he executed. He suffers, as well, from the sudden doubt that all the criminals he hanged were indisputably guilty. The narrator's historical researches are interrupted by Moulding's death, which brings an end to the journal. Herling reconstructs the conclusion to the hangman's story by means of newspaper reports: the eighty-five-year-old pensioner was tortured to death by teenagers who broke into his house, stealing nothing and killing only, apparently, out of pure arbitrary hatred. The murderers, who are spared the death penalty by a system that has done away with capital punishment, had no idea of their victim's former profession. Herling's touch is so light in this sort of narration that the covering of dispassion becomes shot through with a terrible, subtle sadness—not the sort of sadness inspired by sudden, dramatic, tragic events, blips on a cardiogram, but rather the sadness where these events make up the regular rhythm of life.

Some of the stories substitute anger for sorrow. "Beata, Santa," written in 1994, a story in which the Herling character befriends a young Polish girl raped by soldiers during the Yugoslavian war, caused no small outrage in Poland for its apparent denunciation of Pope John Paul II, and in particular his view on abortion and the victims of rape. The girl sleeps under a picture of the pope, in Poland a hero of mythical proportions and the object of an almost hysterical worship; after she dies in childbirth, her gravestone is adorned with two quotations from John Paul II: "Motherhood is often an act of heroism" and "Mothers are the heroes of our times."

This shows Herling at his weakest. It is precisely in the persistent overlay of civility corrupted by the worst of human nature beneath it that he is a beautiful writer. When he drops the veil and steps forward, he is doing little more than pointing out how stupid and cruel human life is. By now, we know. In his soft, sad sophistication, he shows how paltry a shield civilization is: the calmness of his tone can never quite contain the hysteria of atrocity. When he is angry, he loses this effect: he abandons the subtle force of his art for the pundit's desperate need to make sure even the stupidest of readers will grasp the horror. This explicitness makes him a much lesser writer, as in this passage from "Beata, Santa":

> I do not recall which famous writer should be credited with the assertion that literature is a constant meditation on death. I would add: and on the power of Evil. In both cases literature strives to comprehend the incomprehensible, to perceive the impercepti-

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ble, to shed at least a little light on the "heart of darkness." But it usually acts as though there were a clear line of demarcation separating Life from Death, and Good from Evil. Whereas for me what is important, though hard to fathom, is and always has been the border region, Conrad's "shadowline," which represents motionlessness, a lifeless survival amid elements lying in wait.

This is an uncharacteristically ham-handed passage, but it is also exactly what Herling achieves at his best: some touch of the intangible, some glimpse of the imperceptible, a great feeling of the incomprehensible. He stands in the shadow and draws us in with him, so we may see for a moment that edge, which is atrocity and death, which is hope and life.

Litany

When any word is called for, say that I am *of*.
When the tornado forms, that is the ruinous
kiss. When the bamboo-green field sways,
think of tea. When the vines thicken in
the heat, this is the medusa head dangling
buds like pearls. When a man committedly
steps to the ledge, this is the daguerreotype's
cold glass face. When winter, that is *ashbough*
prominent. When mirror or letter or echo,
these are correspondences. When the snow
is pink, something has been left motherless.
When singing, think of ostinato silences.
When stars, history. When the sword-gray,
fatherly rain, this is *I have wandered the earth*.

RICK BAROT

How does Herling arrive in the between world, the land that is neither day nor night? In the first pages of *A World Apart*, Herling meets a man in prison, and in describing him, tells us that he is not like him:

> Frequently in Soviet prisons one comes across people with the stamp of tragedy on their faces. This Jew's narrow mouth and hooked nose, the eyes which were always watering as if inflamed by dust, the broken sighs and the claw-like hands darting to the sack—these could mean all, or nothing....
>
> "Polish?" he finally asked one evening. I nodded.
>
> "I'd like to know if my son could have been an army captain in Poland?" he screeched angrily.
>
> "I wouldn't know," I answered.

But he should have known. For Herling, though he denied it, seems to have been born a Jew. His birth certificate registers the appearance in the world of one Gecel vel Gustaw Herling-Grudziński, the fourth child of Jakub Jozef vel Grudziński and Dorota z Bryczkowskich Herling-Grudzińska, a Jewish family in Kielce. On Herling's high school certificate, he is listed as Jewish. In Poland, one was either Polish or Jewish—to be a Pole was to be a Catholic. Herling, apparently, made his choice. When the Polish scholar Zdzislaw Kudelski sent Herling his study of the author's life and work in 1999, Herling responded to Kudelski's description of him as "born to a Jewish family" this way: "You should have written 'he was born to a Polish family of Jewish roots.' I will accept no explanation from you."

There is something ignoble in Herling's repudiation of his roots. Living in Italy for half a century, Herling had little reason to deny his family. It is true that he became interested in Catholicism; possibly he wished to think of himself simply as a Pole. But his refusal to accept membership in the people to which he was born can also be considered a part of Herling's movement toward the shadows: rather than emerging from Soviet torture wishing to affirm his common humanity with the world, he chose, in art, to separate himself from it.

Herling's epilogue to *A World Apart* concerns another Jew: a communist from Grodno whom he meets in Vitebsk prison. He casts it as the story of his decision to leave the camp mentality behind, to join the civilized world. The communist is a new arrival at Vitebsk, full of fervor and passion quickly extinguished: "In his heart he thought of himself as a Pole. But when, on the evening after his arrival in the cell, the block sergeant asked him formally what his nationality was, he replied quietly, looking down at the ground: 'Jewish.' "

Herling finds the Jewish communist again years later, in Rome, and listens to the rest of his story: he remained imprisoned in a Soviet work camp until 1944, not freed when amnesty was granted for Polish citizens—the Russians did not consider Jews to be citizens of any nation but Jewry. In 1944 he was released, and conscripted into the Red Army. Eventually, he made it back to his homeland: "When I got back to Poland I found no one alive; my whole family, all near and distant relatives, were dead. But through so many sleepless nights I have longed to meet someone who could understand me, who had also known a Soviet prison camp...."

In the camp, in 1942, he was told to testify that he had heard four German prisoners claiming that Hitler was coming. "I had to choose between my own death and that of those four," he says. "I chose. I had had enough of the forest, and of that terrible daily struggle with death—I wanted to live. I testified. Two days later they were shot beyond the zone." Herling says nothing. The survivor continues: "If I told that story to any of the people among who I am now living, they would either not believe me or, if they believed, would refuse to shake my hand. But you must know to what they drove us, how low they brought us there. Say only that you understand...." Herling cannot say it. But was he really re-joining civilized morality? Or couldn't he have been separating himself, rather, from both modern human ethics and the code of animal survival, in order to stand between them, in the shadowline?

In that first entry of the *Journal Written at Night*, Herling writes that he took his "first steps on the soil of Italy in 1944 in the glare of an eruption of Vesuvius, in a rain of ash under an ominously darkened sky." He lived the rest of his literary life under that darkness. Twenty years later, writing about an art exhibit called "In the Shadow of Vesuvius," he suggests that rather than in the shadow of the volcano, he lives—as all Neapolitans do, as all humans do—under the volcano. Under the threat of disaster, beneath the looming possibility of horrible pain and death. He may have lived there, but in fiction he stepped out just far enough, into the shadow, to see better, to testify. So, too, he stayed out of the sun, where it is easy to forget those destroyed in the deluge. The result is an art so quiet that there is little to match the volume of its cries. ■

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GUANGZHOU DIARIST

Old Habits

WALKING THROUGH A wholesale market in December in Guangzhou, a city in southern China, I witnessed an animal lover's nightmare. For sale—to be slaughtered, gutted, defurred or de-feathered, and boiled in garbage bins—were row after row of anything that could walk, scamper, or fly: ducks, dogs, foxes, turtles, boars, and cats, all crammed into tiny cages. It didn't take long for my shoes to become covered in the slime of animal feces and urine draining from the cages and mixing in the sewers with blood and bits of flesh and fur. Even worse was the smell—of dung and rot and death. It permeated my nasal membranes and lingered in them for days. And the acres of pens and cages in the market are just a small part of the local trade: Hundreds of thousands of animals are sold at warehouses outside the city.

EVEN THOUGH BEIJING ORDERED THE extermination of thousands of civet cats and rats to stem the reemergence of Severe Acute Respiratory Syndrome (SARS) in China this winter, the Guangzhou market reminded me that the unhygienic practices of South China are unlikely to be cleaned up anytime soon. Practices that have survived for decades seem ingrained here, where SARS is believed to have originated, crossing from animals to humans who killed or ate them. True, so far China has contained SARS better than last year, and fewer than ten cases have been reported in the south. But that's faint praise—last year, the disease spread across the country and caused mass hysteria. And real change is hardly in the cards. Even when Beijing has imposed regulations, they have been lightly enforced by the officials in Guangzhou, who have locals' economic interests in mind. Squalid market conditions certainly haven't changed. After last year's outbreak, authorities banned the sale of 54 types of wild animals but lifted the ban in August, in time for winter; many people in Guangzhou eat wild animals in cold weather, in the belief that they warm the body. Unfortunately, SARS, like the flu, gathers force in winter.

IN FACT, MOST PEOPLE HERE SIMPLY don't believe their habits have caused SARS. Instead, many blame Americans—namely U.S. biological warfare against China. "The Americans fly over in planes and drop [SARS] on us," one vendor assured me. His declaration brought nods of agreement among the crowd of fellow vendors and customers. This conspiracy theory has circulated in Chinese Internet chat rooms since the peak of SARS last spring. It even resulted in the publication of a book last fall titled *The Last Defense Line: Concerns About the Loss of Chinese Genes*. The author, Tong Zeng, an activist for Chinese patriotic causes who has no medical background, suggested that American researchers who took blood samples in China in the 1990s for a longevity study may have created an anti-Chinese bioweapon—SARS. The book's hypothesis was reported on the front page of the *Southern Metropolitan Daily*, one of the most popular newspapers in Guangzhou. This conspiracy theory is probably a minority view, but it's part of a larger ethos. By pointing the finger elsewhere, vendors and customers rationalize a refusal to clean up fetid markets or stop eating wild animals. "It takes them off the hook for their own sanitation deficiencies," an American official who has studied Guangzhou's markets told me.

THE IRONY IS THAT, ACROSS OTHER major cities in China, the government has instituted massive cleanliness campaigns. In Hong Kong, hand-sanitizers have been mounted on the walls of restaurants and elevator lobbies, and notices on shopping-mall escalators say that handrail belts are disinfected hourly. The interiors of taxicabs and buses are spotless, with drivers regularly wiping down the dashboards and wheels with disinfectant. In Shanghai, the government has asked restaurants to provide serving spoons for dishes set in the center of banquet tables to stop the practice of diners sticking their own chopsticks in communal dishes. Of course, Hong Kong and Shanghai have large tourism industries, which could be impacted by SARS.

BUT, IN GUANGZHOU, WHICH HAS little tourism, there is no such organized campaign. Guangzhou's residents are primarily Cantonese Chinese; they speak a different dialect than Beijingers and live 1,200 miles from the capital. The Cantonese have always been somewhat independent-spirited: Today, Guangzhou newspapers are the feistiest in China, exposing corruption and challenging authority—at least as much as is possible in an authoritarian country. Yet the government hasn't tried too hard in Guangzhou. I watched people litter and spit on the sidewalks without fines, and I ate in restaurants that didn't provide serving spoons. Taxi and bus interiors are coated with grime. Many people who enjoy eating wild animals told me that they will continue to do so. The market vendors are poorly paid, earning less than $150 per month, and the government has not offered them any incentives to clean up their businesses. Without any government mandate, markets that charged higher prices to compensate for the costs of clean cages would be undercut by those that didn't. Instead, the government seems to be encouraging the conspiracy-minded. All media in China are monitored, so the U.S. biowarfare theory likely enjoys the tacit approval of Beijing. It might seem puzzling that China's government would want people to believe Americans caused SARS. But, last year, two government officials were fired over the SARS debacle, and some in Beijing may want to deflect further blame.

GIVEN ALL THIS, IT WAS HARDLY SURprising that on one visit to the animal market last month, just as I was lifting my feet to look at the accumulated gunk, I saw an old man cough, hawk phlegm, and spit it onto the floor. The white gob floated there for a few moments—on top of the guano, the cat urine, and the vile and viral muck—before it disappeared into the footprints of market passersby.

SHERIDAN PRASSO

Sheridan Prasso, who recently completed a Knight International Press Fellowship in China, is a contributing editor for BUSINESSWEEK.

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Israel and the Settlements

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[illegible] Israel, [illegible] would be excused for experiencing a sense of vindication as one right-of-center Israeli leader after another has urged unilateral Israeli withdrawals from the West Bank or Gaza Strip, at least from those settlements that are most difficult to justify or defend. The Likud's Yuval Steinitz, head of the Knesset Foreign Affairs and Defense Committee, has called for a pullback from the Gaza Strip, leaving the Palestinians to form their state there. Ehud Olmert, mayor of Jerusalem and a likely future candidate for prime minister, wants to abandon both Gaza and the more remote West Bank settlements. Others urge partial withdrawal as long as Israel annexes the remaining land—a formula that reportedly carries the blessing of Prime Minister Ariel Sharon.

Why the change in thinking among Israeli hard-liners? Surely one reason is the cost of the eroding but still troublesome Intifada. Another is the demographic threat of a Palestinian population that may one day reject a two-state solution and urge instead majority rule in a single political entity. Finally, the Israelis don't trust Palestinian negotiators. With or without Arafat, they want no Oslo redux. Defensible borders, they say, are more important than negotiated borders; and, particularly with the erasure of the Iraqi threat from the east, Israel's borders have never been more defensible.

But a closer analysis suggests that the advantages of a partial withdrawal are modest and the downsides, great. A pullback would be treated by Palestinian extremists as a great victory—a vindication for their strategy of terror. They would seize the abandoned land and continue their jihad against the Jewish state. And their effort would be reinforced because no one, not even the United States, would recognize new, unilaterally declared borders. World opinion would hold the action illegal and provocative. And this time world opinion would be right.

Moreover, the terms Israel could achieve at the negotiating table are nothing to sneer at. From Camp David through Taba to Geneva, every serious plan has contained provisions establishing an international peacekeeping force. Every one has provided for a demilitarized Palestinian state. Every one has forbidden the Palestinians to enter alliances hostile to Israel. Every one has allowed a continuing Israeli security presence on Palestinian soil and the right of Israeli military planes to conduct exercises in Palestinian air space. And every one has demanded the renunciation of all claims not part of the negotiated deal—by far the best way to extinguish the Palestinian "right of return" to villages inside Israeli territory.

In diplomacy as in war, timing is everything. **The moment is approaching when negotiations with the Palestinians will be less a reward for terrorism than a way for Israel to consolidate political gains.** Outside the Jerusalem suburbs, which Israel would annex, the settlements are monuments to the fanaticism of the few compounded by the political cowardice of the many. They should revert to the Palestinians as part of a negotiated peace. But withdrawing from them unilaterally makes no more sense than building them in the first place.

—Robert Zelnick

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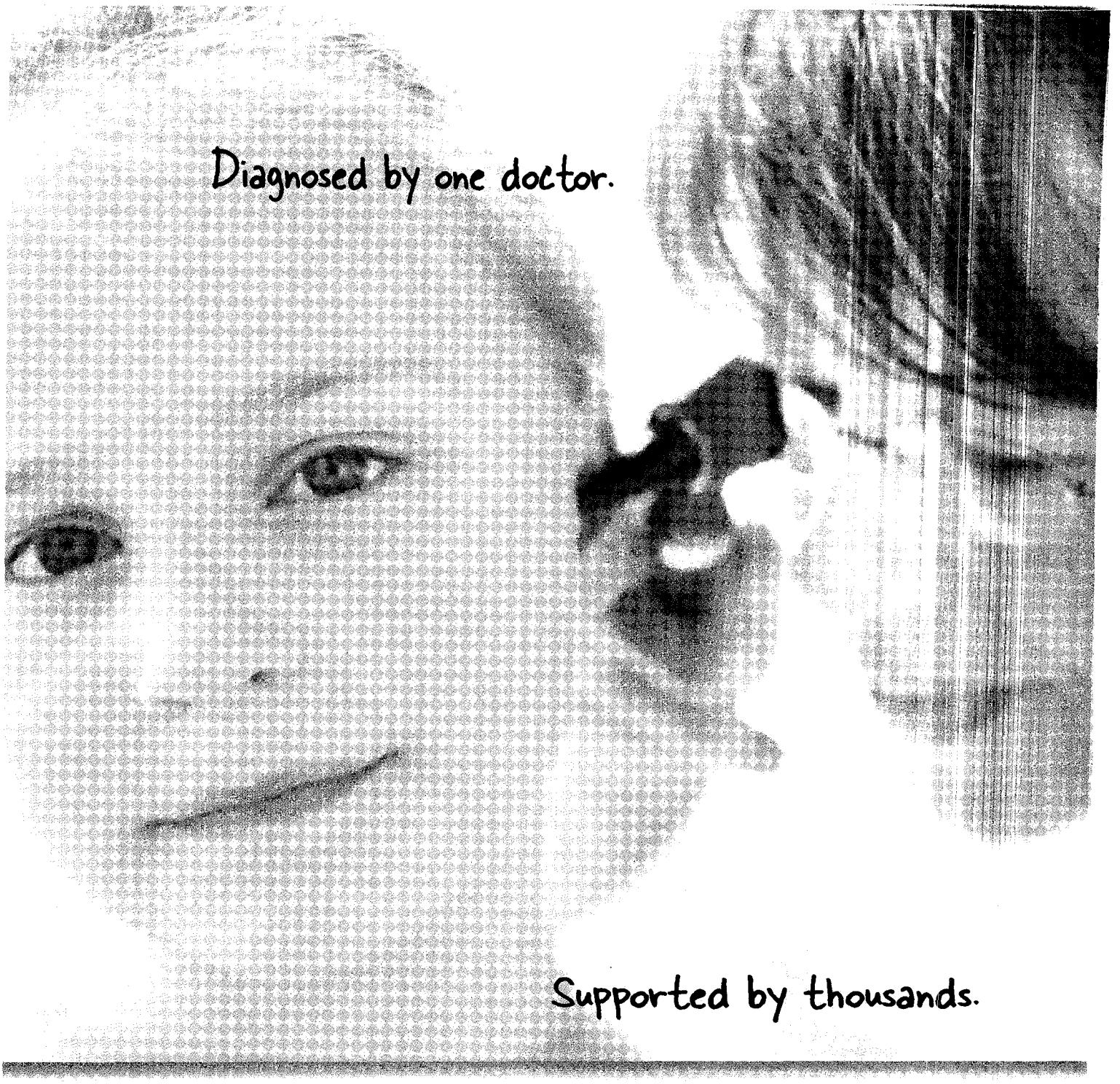

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